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PORTRAIT OF ISAAC FRANKS, PAINTED BY GILBERT STUART IN 1802.

GIBSON COLLECTION OF THE PENNSYLVANIA ACADEMY OF
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## PUBLICATIONS

OF THE

## AMERICAN

# JEWISH HISTORICAL SOCIETY

No. 5.



Published by the Society 1897

### AMERICAN JEWISH HISTORICAL SOCIETY.

ORGANIZED AT NEW YORK, JUNE 7, 1892.

#### LIST OF OFFICERS.

President:

HON. OSCAR S. STRAUS.

Vice-Presidents:

DR. CHARLES GROSS, Hon. SIMON W. ROSENDALE, PAUL LEICESTER FORD.

Corresponding Secretary:
DR. CYRUS ADLER.

Recording Secretary:
DR. HERBERT FRIEDENWALD.

Treasurer:

PROF. RICHARD GOTTHEIL.

Additional Members of the Executive Council:

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PROF. MORRIS JASTROW, JR.,
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N. TAYLOR PHILLIPS,
HON. SIMON WOLF,
DR. J. H. HOLLANDER,

MAX J. KOHLER, JOHN SAMUEL.

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X 715773

#### OBJECTS.

The object of this Society is to collect and publish material bearing upon the history of our country. It is known that Jews in Spain and Portugal participated in some degree in the voyages which led to the discovery of America, and that there were Jews from Holland, Great Britain, Jamaica and other countries among the earliest settlers of several of the colonies. There were also a number of Jews in the Continental army, and others contributed liberally to defray the expenses of the Revolutionary war. Since the foundation of our government a number of Jews have held important public positions. The genealogy of these men and the record of their achievements will, when gathered together, be of value and interest to the historian and perchance contribute materially to the history of our country.

The objects for which this Society was organized are not sectarian but American. The co-operation of students of history and of all persons who have an interest in the work of this Society is cordially invited.

#### FOURTH ANNUAL MEETING.

The fourth annual meeting of the American Jewish Historical Society was held at Philadelphia, on Thursday and Friday, January 30 and 31, 1896, in Parlor B of the Lafayette Hotel, about seventy persons being in attendance.

The Corresponding Secretary reported that the Society had published two volumes during the past year. The membership list had increased, the number having grown to 165. A tribute was paid to the memory of Mr. Lucien Moss, whose death occurred in April, 1895.

The Treasurer, Prof. Richard Gottheil, presented a report showing the Society to be in a flourishing condition. The balance on hand at the close of the last year was \$902.57; the income from the dues of members and the sale of publications, \$853.59, which, with the gift of \$500.00 from Mr. Lazarus Straus, made a total of \$2256.16. The expenses for the year were \$439.83, leaving a balance of \$1816.33. It was recommended that a portion of this fund be invested as a permanent fund.

The officers named on page ii were unanimously elected. Three sessions were held. The President delivered his annual address at the meeting held on the evening of January 30.

The following papers were presented:

Dr. Cyrus Adler, Smithsonian Institution, Washington: "Notes on the Inquisition in Mexico and the Jews."

Rev. Henry Cohen, Galveston: "Henry Castro, Pioneer and Colonist."

Mr. David Fergusson, Seattle, Washington: "Trial of Gabriel de Grenada by the Inquisition in Mexico." "Documents relating to the Trial of Tomas Tremiño de Sombremonte."

Dr. Herbert Friedenwald, Philadelphia, Pa.: "Jews in the British West Indies before 1700."

Dr. J. H. Hollander, Johns Hopkins University, Baltimore, Md.: "The Naturalization of Jews in the Colonies under the act of 1740." "An Episode in the History of the Jews in Surinam." "Some unpublished material relating to the civil disabilities of the Jews in Maryland."

Professor Morris Jastrow, Jr., University of Pennsylvania, Philadelphia, Pa.: "Documents relating to the career of Colonel Isaac Franks."

Dr. M. Kayserling, Buda-Pest: "Letter from a German Jew to the President of the Free States of North America." "Aboab and Laguna."

Max J. Kohler, Esq., New York: "The Jews and the American Anti-Slavery Movement." "Jewish Activity in our Colonial Commerce."

Mr. George A. Kohut, Berlin: Historical Notes.—I. "Isaac Aboab and the Sufferings of the Jews in the Siege of Pernambuco." II. "Labrador owned by Jews in the XVII and XVIII Centuries." III. "A Jewish Jargon in Surinam." "Judah Monis, M. A., the first Instructor in Hebrew at Harvard University."

N. Taylor Phillips, Esq., New York: "Historical Notes." Rev. Dr. David Phillipson, Cincinnati: "A Hebrew inscription in the Cemetery at Plymouth, Mass."

Mr. Abraham S. Wolf Rosenbach, Philadelphia, Pa.: "Obituary notices that have appeared in the Pennsylvania Gazette from 1728 to 1791." "The first settlement of the Jews in Pennsylvania, especially in Philadelphia, 1655—1703." "Notes on David S. Franks."

John Samuel, Esq., Philadelphia, Pa.: "Some cases in Pennsylvania wherein rights claimed by Jews are affected."

On motion of Dr. J. H. Hollander, it was resolved to hold the next annual meeting in the city of Baltimore.

Mr. Barnet Phillips, chairman of the Committee on a Seal for the Society, presented his report embodying a design for the Seal. The question of its adoption was referred to the Executive Council for action.

The President announced the appointment of the following Committee on Publications: Dr. Cyrus Adler, Mr. Mendes Cohen, Prof. Morris Jastrow, Jr., Dr. Charles Gross, and Dr. Herbert Friedenwald.

During the meeting there was a small exhibition of manuscripts, pamphlets, and prints belonging to the Society and to the Leeser Library of Philadelphia.

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#### ADDRESS OF THE PRESIDENT,

HON. OSCAR S. STRAUS, New York.

Members and Friends of the American Jewish Historical Society:

For the fourth time it is my privilege to preside over your deliberations, and to welcome you to the annual meeting of our Society. Since our first scientific meeting, held here in the city of Philadelphia on December 15, 1892, we have held meetings in the cities of New York and Washington, and again return here with much pleasure, in recognition of the cordial interest you have shown in our work. Year by year our proceedings have grown in historical value, and our researches have broadened in scope and become richer in material. No better proof of the increasing interest shown by the students of history in our work need be cited, than the fact that our publication committee has been unable to publish all of the many valuable papers that have been presented. Such papers as have not been published are placed on file for future use. The past year being our third, two volumes have been published, known as Publications Nos. 3 and 4. Together they contain 409 pages, and I doubt if any historical association in the country has published during the year · more original material than is contained in these two numbers.

The Council, in deference to the wishes and convenience of a number of our active members, decided to hold the annual meeting this year in the month of January, instead of as heretofore in the month of December. This change, it is hoped, will be found generally acceptable. The reason therefor was to accommodate many of our members who belong to other societies which hold their meetings in the former month.

I had prepared for presentation at this meeting, a survey of the development of religious liberty in the United States from the foundation of the colonies until the last vestige of discrimination founded upon religious differences was swept away by statute in the State of New Hampshire in 1877. found, however, that the subject, though of historical interest, did not come within the scope of our Society, and therefore I did not deem it wise to present the paper to you, or to encumber our publication with material that did not strictly belong within the lines of our investigations. When we organized our Society, I did not believe material would be forthcoming which would yield annually a volume for publication, especially as our field was a limited one. respect, I confess, I find myself in error. On the contrary, as we have proceeded, our investigations have extended and broadened the area of what at first appeared but a limited scope. No better illustration of this can be cited than the manuscript that has recently come into the possession of our corresponding secretary, Dr. Cyrus Adler, which is presented in Publication No. 4, under the title, "Trial of Jorge de Almeida by the Inquisition in Mexico." The publication of this paper has led to correspondence which has brought to our attention a number of other trials of a similar kind, which will give us a valuable clue to historical persons whose misfortunes open up an entirely unexplored source of historical material on this continent. This trial, and the others referred to, give a more graphic and exact picture of the methods and proceedings of the Inquisition than is to be found in any published work. This material is, in the true sense, original and of the nature most needed by the historian. As we proceed in our investigations, it becomes more and more apparent that we must, as soon as our funds will permit it, delegate one or more of our members to make investigations in Mexico, Central and South America, and in the

adjacent islands, where the refugees from Spain and Portugal, in order to escape the terrors of the Inquisition, first settled. Dr. Kayserling has rightly said, "the Inquisition is the last chapter of the confessors of Judaism on the Pyrenean peninsula, and it is the first chapter on the continent of the Western hemisphere." This first chapter can never be satisfactorily studied unless investigations are made in the localities where it had its rise.

So long as Church and State were intolerant, and so long as the spoken as well as the written word was guarded by the Inquisitor, history could not be written. The spirit of history is truth, and no history has ever been written under the glare of the fires kindled by the auto-de-fe. When we revert to the period of the Inquisition we must excavate below the surface and the authority of the censor in order to discover the truth. Our object must always be, not as some erroneously suppose, to write history, but to search for facts, for the material upon which history is based. We have no thesis to maintain, no propositions to prove, no arguments to advance, but simply to present the facts. For instance, it has been believed that Simon Bolivar, the liberator of South America, was of Jewish descent. This fact, if true, would in itself throw light upon a proper estimate of his character, just as the fact that in 1809 he spent some time in the United States, where he had the opportunity of observing the workings of free institutions, gives us a clue to his heroic struggle for constitutional liberty. The descendants of a number of the refugees who settled in Mexico, Central and South America, on being suspected of "Judaizing" and for observing "the dead law of Moses," in order to escape the terrors of the Inquisition, returned to the Old World, where at that time a more tolerant spirit began to prevail. The influence of this second generation of refugees, many of them born on the American continent, upon the constitutional development of Italy, France, and Holland, opens up a new and most interesting historical vein. The number thus returning from America to the Old World was not insignificant, perhaps several thousand. That such men, whose family traditions were stained with the blood of persecutors, and who themselves were hunted from continent to continent, would make every sacrifice to further the cause of liberty, is a natural and logical conclusion. They had been taught by dire experience to wrap about them more closely their crypto-disguises, so that it sometimes happened that the third generation was completely disassociated from family traditions. This accounts also for the fact that tradition, sometimes with, and sometimes without foundation, ascribed Jewish descent to many persons of distinction who achieved fame as statesmen, generals and philosophers.

In the past two months we have heard much of the Monroe doctrine. It was this doctrine which set the stamp of perpetual freedom upon the institutions of this hemisphere. It was a declaration of war against a condition of affairs which, if allowed to continue unchecked, would have kindled anew the fires of the Inquisition on this continent. "The Holy Alliance" was an effort on the part of the most autocratic sovereign of the world, the Czar of Russia, in conjunction with the Emperor of Austria and the King of Prussia, to bring back the reign of mediæval despotism and to crush underneath their united powers every vestige of constitutional liberty. Had such a formidable power been permitted to secure a foothold on our hemisphere, it is not improbable that a struggle of life and death would have had to be waged in order to preserve the free institutions of America. It was for this reason among others, doubtless, that when President Monroe submitted the papers which called forth his message to the author of the Declaration of Independence for his advice, Jefferson answered, "The question presented by the letters you had sent me is the most momentous which has ever been offered to my contemplation since that of independence."

There has never been any effort made by the Society to increase its membership with the view of enlarging our fund. Our aim has been from the beginning only to associate such persons with us who had especial interest in history; but now, with this new field opening to us, it is very desirable to increase our permanent fund, in order that we may make the investigations which will enable us to bring together more closely the last and the first chapters referred to by Dr. Kayserling.



# DOCUMENTS RELATING TO THE CAREER OF COLONEL ISAAC FRANKS.

By Professor Morris Jastrow, Jr., University of Pennsylvania, Philadelphia.

Some time ago, the Council of this Society learned through its president, the Hon. Oscar S. Straus, of the existence of papers relating to the career of Isaac Franks. These papers were at the time in the possession of George W. Huffnagle, of New Hope, Bucks Co., Pa., a grandson of Isaac Franks.\* By resolution of the Council, the writer was deputed to communicate with Mr. Huffnagle, with a view of examining and, if possible, of obtaining copies of these papers for the purpose of issuing them in the *Publications* of our Society.

Mr. Huffnagle, in response to a letter, forwarded copies of some of the papers in his possession, and declared his willingness to lay the remainder before me at some future time. Illness prevented Mr. Huffnagle from making an appointment for a visit which I was anxious to pay him, and last winter Mr. Huffnagle died. His son, the Rev. John C. Huffnagle, residing in Imlaystown, N. J., most generously offered to place at our disposal all documents in his possession that might be of any use, and as the result of a visit paid to Mr. Huffnagle, I am privileged to lay before you a number of documents—in all 33—which enable us to follow, in somewhat greater detail than was heretofore possible, the career of one who served the cause of American independence most honorably and for this reason deserves to be remem-The thanks of our Society are eminently due to the Rev. Mr. Huffnagle, for his kindness in permitting me to take

<sup>\*</sup>The daughter of Colonel Isaac Franks, Miss Sarah Eliza Franks, was married to John Huffnagle, of Lancaster, on Sept. 9, 1806.

whatever papers I desired with me and to have copies of them made.

The documents may be divided into seven classes:

- (1) Illustrating the Revolutionary career of Colonel Franks.
- (2) Referring to a claim made by him against the United States in 1812, for an error in his favor, in his accounts as Forage Master of the garrison of West Point,—a position held by him from the 1st of January, 1778, to the 5th of September, 1781.
- (3) Applications for appointment to office under the United States Government, 1812–1813.
- (4) Commissions from Thomas Mifflin, Governor of Pennsylvania, (a) as a Notary and Tabellion Public, 1789; (b) as Lieutenant-Colonel of the Second Regiment of Philadelphia, 1794; (c) as Justice of the Peace in the county of Philadelphia, 1795.
- (5) Papers relating to the renting of Colonel Franks' house in Germantown to President Washington, 1793.
- (6) Applications for a pension from the United States Government, 1818–1819, and certificate of pension.
- (7) Miscellaneous documents, bearing on his relations to his children, biographical notices and the like.

The documents in the first six classes formed part of Colonel Franks' own papers; those in the seventh class emanate only in part from him, a number having been collected by his grandson, George W. Huffnagle. Among the latter is a biographical notice, copied from an unknown source, which gives an epitome of his career:

"Isaac Franks, son of Moses and Sarah Franks, was born at the city of New York on the 27th of May, 1759. He embarked in the Revolutionary contest of 1776 between the colonies and the kingdom of Great Britain, and served under Washington with the reputation of a gallant, brave and useful officer during the whole of the American Revolution, during which he received several wounds. After the

peace of 1783 he filled various civil commissions, and was the intimate friend and companion of Washington, who, with his family, spent the summers of 1793 and 1794 with Colonel Franks\* at his residence... in Germantown. Colonel Franks died on the 4th of March, 1822, of a pulmonary complaint, being at the time Prothonotary of the Supreme Court of Philadelphia." [sic!]

In connection with an application for a government pension, made in 1818 (Appendix No. 9), which was rendered necessary by his straitened circumstances, Colonel Franks drew up a statement of his services during the war of Independence. A draft of this statement and several copies of the statement itself, formally drawn up and cerified to, are among the documents that have come into our possession. From this statement we learn that he entered upon his military career in May or June, 1776, at the early age, therefore, of seventeen. He joined Colonel Lesher's regiment as a volunteer in the city of New York, from which we may conclude that the city of his birth continued to be his residence and that of his parents, until this period. He took part in the battle of Long Island, being, as he says, "in the heat of the battle," and under the immediate command of General Washington. He equipped himself at his own expense, and tells us "that in July of that year, in parade order, attended the first communication of the Declaration of Independence, which was read to the troops, when we all, as with one voice, declared that we would support and defend the same with our lives and our fortunes."

In the year 1777, he joined the Quartermaster's Department in the Continental village, a few miles above Peekskill in the State of New York, as an Assistant Forage Master. In 1778 he became Forage Master, and was stationed at West Point till 1781, when he entered as an Ensign into the service of the 7th Massachusetts Regiment,

<sup>\*</sup>Inaccurate. See below. Washington rented the house from Franks in the winter of 1793-94.

then stationed in the garrison of West Point. His certificate of appointment is preserved (Appendix No. 1). It is dated Boston, February 22, 1781, "in the fifth year of the independence of the United States of America," and is signed by John Hancock and by the latter's secretary, John Avery. The formal commission itself was not received till March 12, 1782, but his appointment and rank began on January 1, 1781, and continued till June, 1782, when on account of ill health he was forced to resign. He took this step with the approbation of the Commander-in-chief.

From another statement, signed by Isaac Franks, we obtain some details of his career in Colonel Lesher's regiment. The regiment was annexed to the army of the United States under the command of General Washington. After the battle of Long Island, Franks retreated with the army to New York, and was on the detached guard at the Fly Market on the East river, at the time that the English took possession of the city, September 15, 1776. Franks was taken prisoner, but after nearly three months of confinement succeeded in making his escape. "In a small, leaky skift," he tells us, "with one single paddle," he crossed to the Jersey shore.

After receiving his "furlough," as he calls it, in June, 1782, from Major-General Alexander McDougal, the commander of West Point and its dependencies, he visited his friends, and was in the city of Philadelphia when the news of peace arrived.\*

On the 9th of July, 1782, he was married in Philadelphia to Mary, the daughter of Captain Samuel Davison. Four children were born to the couple. Two died at an early age. One, a son, Samuel D. Franks, became Judge of the Court of Quarter Sessions and Common Pleas for the counties of

<sup>\*</sup>A memorandum on the back of a copy of Colonel Franks' commission as Ensign, and also on a draft of one of his statements, reads, "The Preliminaries of Peace were signed at Parris [sic] on the 30th of November, 1782, and the ratification of the Definitive Treaty were [sic] exchanged in May, 1784."

Schuylkill, Lebanon and Dauphin, and his daughter, Sara Eliza, married Peter Huffnagle of Philadelphia.

After his marriage, Mr. Franks took up his permanent residence in Germantown, where he purchased a dwelling house (now No. 5442 Main street) which is still standing (Appendix No. 14). For a number of years we lose sight In the beginning of 1789 he was appointed by Governor Mifflin of Pennsylvania "a Notary and Tabellion Public" for the commonwealth of Pennsylvania (Appendix No. 3). It was presumably from the fees attaching to this office, that he derived an income which supported him and his family. At all events for about twenty-five years after the close of his military career, he appears to have been in a prosperous condition. In 1784 we find him associated with Benjamin Rush in the purchase of "19 tracts" of land in Westmoreland Co. (now Indiana), and he continued to hold these lands as late as 1804.

In 1794 he was honored by Governor Mifflin with an appointment as Lieutenant-Colonel of the Second Regiment of Philadelphia County Brigade of the Militia of the Commonwealth of Pennsylvania. It is through this appointment that he became generally known as Colonel Franks (Appendix No. 4).

In 1795 he received another appointment at the hands of the same Governor Mifflin, this time to the office of "Justice of the Peace in the District consisting of the Townships of Germantown and Roxborough in the county of Philadelphia" (Appendix No. 5). But previous to this, he must have engaged in some undertaking that led him to Bethlehem, for in the winter of 1793 we find him setting out from that place for a short visit to his Germantown residence. The occasion of the visit was a note received from President Washington, who desired to rent the house during the prevalence of yellow fever in Philadelphia when, as is well known, the seat of the United States Government was removed to Germantown. On November 6, Mr. Franks

sets out with his wife from Bethlehem, in order to put his house in order. The negotiations are completed and, in December of the same year, Franks pays another visit to Germantown, in order to ascertain how long the President intends to occupy the house. Among our documents are two copies of the bill Mr. Franks presented to Washington for two months' rental and sundry expenses (Appendix No. 13). The owner is careful not to omit any item, and some of the charges are exceedingly curious. Whatever may have led Franks to Bethlehem—perhaps the prevalence of the plague in Philadelphia—he returned to Germantown and appears to have stayed there until early in this century. Then for some reasons unknown to us, he removed to Ephrata, Lancaster County.

In October, 1802, we still find him at Germantown. At that period Gilbert Stuart finished an oil painting of Mr. Franks, which was presented to the latter by the artist.\* There are bills paid to Mr. J. Rowan of Philadelphia for tuition for Mr. Franks' daughter, dated December 15, 1802, and March 15, 1803. Between the latter date and 1806 the removal to Ephrata takes place. He evidently regards Ephrata as his permanent residence, for in a letter, dated May 8, 1806, addressed to his daughter, who was attending a school kept by Mr. and Mrs. Rowan in Philadelphia, he speaks of the time when his daughter will come to reside with him. In the fall of that year, his daughter was married at Lancaster. We find Franks at Ephrata as late as 1812. Things have

<sup>\*</sup>The painting is referred to by Franks in a memorandum prepared by him for his children. It was left conjointly to Samuel and Sara, each one by turns to have the right of possessing it for one year. The picture was sold by G. W. Huffnagle to the late Henry C. Gibson of Philadelphia. By the will of the latter, it has come into the possession of the Philadelphia Academy of Fine Arts. On the back there was pasted a slip reading, "Portrait of Mr. Isaac Franks. Presented to friend Isaac Franks as a token of regard by Gilbert Stuart. Germantown, Oct. 1st, 1802." This slip has been framed by the Academy and attached to the portrait.

not gone well with him. He appears to be in straitened circumstances and takes various steps to secure an income. In December, 1811, he puts in a claim against the United States for an "erroneous credit" which he inadvertently gave the United States while serving as Forage Master at West Point. His claim is for \$463.12, which with interest up to the date of his claim brings the sum up to almost \$1,400. He bases his claim upon the fact that he gave receipts for his pay as Forage Master during his term of service (13 months and 2 days) without first liquidating the same by the scale of depreciation, established by Congress on January 2, 1780, and by which all the payments to the army from September 1, 1777, to March 18, 1780, were liquidated and settled (see Appendix No. 6).

He makes strenuous efforts to secure this claim. First, he applies to the Treasurer of the State of Massachusetts, Jonathan L. Austin, who tells him that if his commission as Ensign in the Seventh Regiment was dated after December, 1780, his pay must come from the United States. On December 11, 1811, he sends a formal statement of his claim to Jonathan Burrell, Commissioner for the Quartermaster's Department at New York. In January, 1813, on the occasion of a visit to Philadelphia, he writes to Charles Jared Ingersoll, representative in Congress, in support of his claim (Appendix No. 7), and refers to the fact that "a memorial and vouchers" in his behalf "had been put into the hands of Mr. Hyneman, then a representative in Congress." Owing to Mr. Hyneman's resignation of his seat, the papers were not presented, but placed in the hands of Jonathan Roberts, a representative in Congress from Pennsylvania. On March 4, 1812, he writes to the U.S. Comptroller, Richard Rush, at Washington (Appendix No. 8), who in reply (March 30) sends a copy of Isaac Franks' account to show that the "erroneous item was included and properly settled in that account." Richard Rush in a supplementary note expresses his regard for Mr. Franks and regrets that he

cannot serve him. About this time, feeling that the hopes of securing his claim are slight (although he sends a reply to Rush's note), Franks makes application for some appointment in the Quartermaster's Department. He writes to Colonel Clement Biddle, of Philadelphia, under date of March 17, 1812, asking for a certificate. The request is granted, but Franks is not successful in his endeavors. year later—May 10, 1813—he applies to Richard Rush for a position in the Comptroller's Office. In his application he refers to his "sincere friend, the celebrated Dr. Rush," and offers his condolence to the son upon the death of his father. In a postscript, he also takes the opportunity of inquiring whether anything has occurred favorable to his "equitable claim against the Treasury." In this quest, too, he is unsuccessful, and when next we hear of him, in 1818, he has moved back to Philadelphia and is making an effort, by "reason of his reduced circumstances," to secure a pension from the United States government. His papers are drawn up and certified to on April 8, 1818, by Joseph B. McKean, Judge of the District Court for the city of Philadelphia (Appendix Nos. 9 and 10). Mr. Jonathan Roberts, at the time a member of the Senate for Pennsylvania, is appealed to on December 15th of the same year to take (Appendix Nos. 11 and 12) the claim for a pension "under his patronage." The interval of eight months between the drawing up of the papers and their being placed in the hands of Mr. Roberts is due to the fact that Congress adjourned in April and Mr. Franks did not wish to trouble Mr. Roberts "late in the session." Mr. Roberts takes the matter up. A note from the Pension Office dated June 22, 1819, and addressed to Mr. Roberts, states that the application will be granted "when proof of his (Mr. Franks') being in reduced circumstances shall be attached to his declaration."

On the 14th of December, 1819, the pension certificate was forwarded to Mr. Franks (Appendix No. 2). The pension was fixed at \$20 per month, to commence from

the date that his papers were drawn up, April 8, 1818. Isaac Franks enjoyed his pension for only four years. In 1819 (Feb. 18)\* he was appointed Prothonotary of the Supreme Court of Pennsylvania, and it is a comfort to know that his closing years were thus rendered free from care. He died on Monday, March 4, 1822, at the age of sixtythree, and was buried from his residence, No. 55 Cherry street, on March 6.†

#### APPENDIX.

A selection from the documents illustrating the career of Isaac Franks is herewith published.‡ The publication includes fourteen documents as follows:

- I. Five certificates: (1) as Ensign in the Seventh Regiment of Massachusetts; (2) pension certificate; (3) as notary and tabellion public; (4) as lieutenant-colonel; (5) as justice of the peace.
- II. Franks' claim against the United States: (6) memorandum and copy of account; (7) letter to Charles Jared Ingersoll.
  - III. Application for office: (8) letter to Richard Rush.
- IV. Application for pension: (9) statement of military career; (10) statement made before Joseph B. McKean; (11) letter to Hon. Jonathan Roberts, December 15, 1818; (12) letter to the same, February 22, 1819.
- V. Germantown residence: (13) copy of bill presented to President Washington; (14) statement regarding the history of the property.

The remainder of the documents have been copied and deposited in the office of the Secretary of the American Jewish Historical Society at Washington.

<sup>\*</sup> Martin, Bench and Bar of Philadelphia, p. 26.

<sup>†</sup> See Poulson's Daily American Advertiser, for March 5, 1822. Martin gives the date of Franks' death erroneously as March 3.

<sup>†</sup> The spelling of the originals is retained, only obvious slips being corrected.

I.

(1)

CERTIFICATE OF COLONEL ISAAC FRANKS' COMMISSION AS ENSIGN IN THE 7TH REGIMENT OF THE COMMONWEALTH OF MASSACHUSETTS, 1781.

Commonwealth of Massachusetts,

To Isaac Franks—Gentleman Greeting,—Reposing especial Trust and Confidence in your ability Courage and good Conduct, I Do by these presents Constitute and appoint you the said Isaac Franks to be an Ensign in the seventh Regiment of Foot-one of the Battalions raised by this Commonwealth to serve in the Continental Army, where John Brooks Esqr. is Lieutenant Colonel Commandant,-You are therefore carefully and diligently to discharge the Duty of an Ensign in said Regiment in all things appertaining thereto, observing such Orders and Instructions as you shall receive from the Commandant of said Regiment or any other Your Superior Officers, for which this shall be your sufficient Warrant till you shall receive a Commission in manner and form pointed out by the Resolves of Congress of March 8th and June 28th, 1779.—Dated at Boston this twenty-second of February one thousand seven hundred and eighty one, in the fifth year of the Independence of the United States of America.

By His Excellency's command,

JOHN HANCOCK.

JOHN AVERY, Secy.

(2)

PENSION CERTIFICATE.

WAR DEPARTMENT.

Revolutionary Claim.

I certify that in conformity with the Law of the United States, of the 18th March 1818, Isaac Franks, Late an

Ensign in the Army of the Revolution, is inscribed on the Pension List Roll of the Pennsylvania Agency, at the rate of twenty dollars per month, to commence on the Eighth day of April one thousand eight hundred and eighteen.

Given at the War office of the United States, this fourteenth day of December one thousand eight hundred and

nineteen.

C. VANDERVENTER, Acting Secretary of War.

On the back of this certificate:

Payable semi-annually. The first pay-[Seal of the ment on this Certificate will be made on the United States War Office.] 4th of March next, in Philadelphia, at the Bank of the United States.

(3)

COMMISSION AS NOTARY AND TABELLION PUBLIC.

[Seal THOMAS MIFFLIN.

In the Name and by the Authority of of the State of Pennsylvania.] the Freemen of the Commonwealth of Pennsylvania.

The Supreme Executive Council, of the said Commonwealth.

To Isaac Franks, Esquire, of the City of Philadelphia—

[Coat of Arms We, reposing especial Trust and Confidence in your Prudence, Integrity and Pennsylvania.] Abilities, have appointed you the said Isaac Franks a Notary and Tabellion public in and for the Commonwealth of Pennsylvania. You are therefore by these presents commissioned to be a Notary and Tabellion Public in and for the said Commonwealth—to have and hold the said office of Notary and Tabellion Public-With all the Rights, powers, and emoluments to said office belonging, or by Law in any Wise appertaining, until this Commission shall be legally revoked.

Given in Council, under the Hand of His Excellency Thomas Mifflin, Esquire—President, and the Seal of the State at Philadelphia, this seventh Day of February in the year of our Lord one thousand seven hundred and eightynine.

Attest: Cha<sup>S</sup>. Biddle, Sec<sup>y</sup>.

[Enrollment Office of Pennsylvania In Commission Book No. 1, Pennsylvania page 224, &c. Witness my hand and Seal of office the 10th February, 1789.

MATHW. IRWIN, M. R.

(4)

COMMISSION AS LIEUTENANT COLONEL.

Pennsylvania.

In the Name, and by the Authority of the Commonwealth of Pennsylvania,

Thomas Mifflin,

Governor of the said Commonwealth, To Isaac Franks of the County of Philadelphia Greeting:

Know That you, the said Isaac Franks
[Coat of Arms of Commissioned Lieutenant Colonel of the Pennsylvania.] Second Regiment of Philadelphia County
Tho. Mifflin. Brigade of the Militia of the Commonwealth of Pennsylvania. To have and to hold this Commission exercising all the powers, and discharging all the duties thereto lawfully belonging and attached.

ing all the duties thereto lawfully belonging and attached, for the term of seven years.

In Testimony whereof, I have set my Hand and caused the great Seal of the said State to be affixed to these Presents, at Philadelphia the Fifteenth Day of July in the Year of our Lord One Thousand Seven Hundred and Ninety-four and of the Commonwealth the Nineteenth.

By the Governor.

A. I. DALLAS, Sec.

(5)

COMMISSION AS JUSTICE OF THE PEACE.

Pennsylvania.

behave yourself well.

In the Name, and by the Authority of the Commonwealth of Pennsylvania,

Thomas Mifflin.

Governor of the said Commonwealth.

Isaac Franks of the County of Philadelphia Esq. Sends Greeting:

Know You, That reposing especial [Coat of Arms of Trust and Confidence in your Integrity, Pennsylvania.] Judgment, and Abilities, I the said Thomas Tho. Mifflin. Mifflin, have appointed and by these Presents, do appoint and commission you, the said Isaac Franks to be a Justice of the Peace, in the District consisting of the Townships of Germantown and Roxborough in the county of Philadelphia Hereby giving and granting unto you, full Right and Title, to have and execute all and singular the Powers, Jurisdictions and Authorities, and to receive and enjoy, all and singular, the lawful Emoluments of a Justice of the Peace aforesaid, agreeably to the Constitution and Laws of the Commonwealth. have and to hold this Commission, and the Office hereby

Given under my Hand, and the Seal of the State, at Philadelphia this twenty-fifth Day of September in the year of our Lord One Thousand Seven Hundred and Ninety-five and of the Commonwealth the twentieth.

granted unto you the said Isaac Franks, so long as you shall

James Trimble, Deputy Sec. By the Governor.

II.

(6)

MEMORANDUM OF CLAIM AGAINST THE UNITED STATES
GOVERNMENT.

Ephrata, Lancaster County, Decr. 12, 1811.

In looking over my old Military papers this day, I have discovered an Erroneous credit which I have inadvertently given to the United States in my exhibited account, against myself, of which the enclosed is a copy.

Viz. "To the first item on the Credit side of my account I
"have inadvertently given to the U.S. credit for 520
"dollars $\frac{60}{90}$ Continental Money (as specie) which I
"received of Col. Bostwick for Pay as Forage Master
"from the 1 Jany. 1778 to the 2 feby. 1779. 13 months &
"2 days at \$40 pr mo. Without first Liquidateing the
"same by the scale of Depreciation, established by
"Congress on the 2d June 1780, and by which all the
"payments to the Army from the 1st Septem 1777 to
"the 18th March 1780 were Liquidated and Settled.

My Pay for said item of Service to which said	
erroneous Credit is annexed, viz. from the 1st	
Jany 1778 to the 2d feby 1779, 13 months and	
2 days at \$40 p <sup>r</sup> month is	\$52267
The said 520 dollars 60 Continental Money By the	"
scale of Depreciation on the 2 feby 1779 at $11\frac{41}{90}$	
% for 100 dollars is	5955

Balance due I. F	\$46312
with Interest from 1779*	

<sup>\*</sup>Amount due is fixed at \$469.16 (sic/). In another copy, interest is calculated till January, 1812, at \$924, making a total sum of \$1393.16.

#### [Copy.]

The United States in Account with Isaac Franks.

#### Dr.

To my services as Forage Master of the Garrison of West Point from the first January 1778 to the fifth September 1781, both days included is 44 Months and 5 days at 

C*.	
1779. By Pay from Col <sup>n</sup> Andrew Bostwicke from doll	ars.
the first Jany. 1778 to the 2 <sup>d</sup> feby 1779 13 months	
& 2 days 520	-60
Sep <sup>r</sup> 12, 1779. By Cash on acct. from Col <sup>o</sup> Clement	
Biddle C. G. Forage = 1000 dollars Con-	
tinental Money Equal to $53\frac{22}{100}$	22
By Merchandize from Daniel Carthy A. D. Q. M. G.	
am <sup>tg</sup> to £42. N. York Money	22
Dille 1 1 d TI C . T TI	
Balle due by the U.S. to Is. Franks1182	56

1766..60

Errors Excepted. Philada, Jany 18, 1788.

ISAAC FRANKS.

#### (7)

LETTER TO CHARLES JARED INGERSOLL.

Philadelphia, Jan 24th, 1813.

The Honorable Charles Jared Ingersoll Esq. Sir.

At the time I did myself the honor to state to you my claim on the U.S. I was not informed that a Memorial & Vouchers in my behalf had been put into the hands of Mr. Hyneman, then a Representative in Congress, who, in consequence of his intention to resign his seat did not present them, & on his departure put the same into the hands of Jonathan Roberts, Esq., a Representative in Congress.

As I have not heard that Mr. Roberts has acted on the same, I take the liberty, Sir, in consequence of your polite offer to present my Memorial, to address myself to you, to entreat your patronage, and solicit the favor of you to confer with Mr. Roberts on the subject of my Memorial, so that it be presented.

The object Sir, of my Memorial is, to rectify an error, made in the settlement of my Acct. by the Commissioner &

overlooked by myself.

The Error is, that I gave credit for 520 dollars  $\frac{60}{90}$ th received as for my pay from the first of January 1778 to the 2<sup>nd</sup> of Feb. 1779, whereas that sum being paid me in Continental paper Money, should have been reduced by the Scale of Depreciation, to its specie value, which was but \$59.55 making an error in my favor of \$463.12.

It appears by the settlement made out by Mr. Burrell, the Commissioner, that he sliped over the Item to which the erroneous credit is annexed, and the credit with it; and in place of commencing his settlement of my account from the 1st Jan. 1778, the day on which my services as F. M. commenced at West Point, he, together with the Commissioner's settlement, dates his partial settlement only from the 2<sup>nd</sup> Feby. 79, by which artifice the \$520 $\frac{60}{90}$  was suffered to stand without being reduced by the Scale of Depreciation, as in full for my pay from the 1st Jany. '78 to the 2nd Feby. '79, in the manner I inadvertently gave credit for it. But it is evident, although it was nominally so, yet that I was entitled to depreciation having been in service after the 10 April 1780, even in the Department where the Account originated, having continued in that Dept. to Sept. 1781, and afterwards went into the line of the army by Commission, and continued in the service of my country to the end of the war. My impression is, that in Equity, I am entitled to the full benefit of my services and ought to receive the amount of \$463 12 with interest from the 2<sup>nd</sup> of Feby. 1779, and that the Acts of limitation cannot affect a claim of this kind.

I submit the subject to your good judgment, and rely upon that equal Justice which the Representatives of the nation may have in their Power to dispense.

I am, Sir,

with due respect

Your very obedient servant

I. F.

P. S. Sir.

The Erroneous credit to which I alude is annexed to the first item on the credit side of my Exhibited Account signed by me and affixed by the Court Genl. & presented the 10th Jany. 1788, to Jonathan Burrell, then Commissioner for the settlement of the accounts of the Quarter Master's Department, & on file in the Office of the Auditor General of the U. S. together with the partial settlement made by the Commr dated the 30th Jany 1788, to which I beg leave to refer & I trust will establish my claim.

III.

(8)

APPLICATION FOR OFFICE. LETTER TO RICHARD RUSH.

[Copy.]

Ephrata near Lancaster May 10th 1813

Richard Rush Esquire

The great loss of my sincere friend, The Celebrated Dr. Rush, the patron of Beneficence, distresses me much. trust, Sir, that I may deserve from you that friendship that I always experienced from your good father for the last Thirty three years.

Grieve not at the inevitable moment that separated Him from us. He is happy. May your own end be equally Propitious, and may you when full of years and full of honor, sink down as gently to rest-beloved as sincerely as your happy Father.

The last time I was in Philadelphia in company with your Father, at his house, I suggested the Idea, that I should like to obtain some imployment [sic] in one of the Public Departments of the U.S. My intimation met his approbation, and He set down at his writeing table, and gave to me unsolicited, a general recommendation. Here said He, receive this with my best wishes for your success-I have never made any application to any Gentleman but yourself, nor never shown or made any use of the valuable recommendation before this opportunity. I now take the liberty to enclose a Copy, and earnestly solicit an appointment in your Department, or your kind Patronage to obtain some situation for me. I am encouraged Sir, to make my application to you, because you are the son of my dear deceased Friend, and to whom can a revolutionary officer (I entered the service of my country at the age of sixteen in the year 1776, and continued in the service of my country to the end of the war) apply with more propriety than to you Sir, the son of that great Patriot who bore so distinguished a part in the Congress of 1776 and through all the dangers of the American revolution.

Should you favor me with your attention, you will make me happy, and confer a lasting obligation upon, Sir,

Your most obedient

Servant

ISAAC FRANKS.

P. S. Allow me, Sir, to avail myself of this opportunity to inquire, If any circumstance has occured to you, favorable to my equitable claim on the Treasury, to have the erroneous item of credit which I inadvertently gave to the U. S. against myself in my exhibited account rectified, so that I may thereby receive the ballance of that item so justly due to me for my pay for those toilsome services as Forage Master, (for which I only received in value according to the scale of Depreciation about \$59 $\frac{5}{100}$ ) for 13 months and 2 days services, from the 1st January 1778 to the 2 february 1779) and

which erroneous Items of Credit the Commissioner (Burrall) skiped entirely over and did not correct nor include the same in the statement which He or his Clerks made out for a settlement of my account. The erroneous item I allude to is the first item on the credit side of my own exhibited account which I sent to the Commissioner for a settlement. Your very obedient With due respect,

Servant

I. FRANKS.

Please to direct to me at Lancaster.

Copy of Docr Rushs Recommendation.

I have known Mr. Isaac Franks since the close of the revolutionary war in which he bore an active part as the Commander of a company.

His pursuits since that time qualify him in an eminent degree for an Accomptant, and to do all the duties of a Public office in which a knowledge of figures, bookkeeping, industry, punctuallity and executive business of that kind are required.

· (Signed)

Benj<sup>n</sup> Rush.

IV.

(9)

#### STATEMENT OF MILITARY CAREER.

A Narrative of the Revolutionary Services of Colonel Isaac Franks-who was Born in the City of New York on the 27th day of May, 1759.

In the month of May or June 1776, the Subscriber Joined Col. Lesher's Regiment (a six months Regt) in the City of New York, as a Volunteer-The Regiment was annexed to the Army of the United States under the Command of General George Washington, and the Subscriber was with the said Regiment in the Battle of Long Island and in the retreat with the army from Long Island to New

York City, and continued to do Duty with said Regiment after they arrived in New York and was on a detached guard from said Regiment at the Fly Market on the East River when the Enemy entered and took possession of said city on the 15 Day of Sepr 1776 and was taken Prisoner and suffered near three months confinement, when on an evening He made his escape, and in the night crossed the North River from the Bear Market at the foot of Division street in a small leaky skiff with one single paddle to the Jersey shore, -In the year 1777, He joined the Quarter Masters Department, at the Continental Village a few miles above Peekskill in the State of New York, as an assistant to the Forage Master Capt. Campbell. The Department was under the Direction of Col. Hugh Hughes D. Q. M. G1, and in January 1778, the Subscriber was appointed Forage Master of the Garrison of West Point, and its Dependences-In which station He continued to serve and act, until He was appointed a Commission officer in the line of the Continental Army which was some time in the year 1780, or on the first January 1781 when He Joined Captain Mills company in the 7th Massachusetts Regiment as an Ensign-The Regiment was then Stationed at West Point-And in October or November 1781—He was detached on Command to join Captain Gooddale at Fort Verplanks Point, Situated on the North river opposite to Stoney Point, where He continued on Duty until february 1782, when He was relieved and again joined his Regiment at West Point-

Some time after He received from Major General Alexander McDougal the Commander of West Point and its dependences, a Furlough (being the first furlough the Subscriber ever applied for during all his revolutionary campaign)— He then visited his friends, and was in the City of Philadelphia when the news of peace arrived— He solemnly declares, that through the whole of his long and arduous Revolutionary services, He always acted with Honor and Strict fidelity— The Subscriber is a Native

Born Citizen and never was absent from the United States, He never received a Pension- That now by reason of his reduced circumstances, He needs the assistance of his Country.

> ISAAC FRANKS— Philadelphia, April 6th 1818.

For further Evidence, If required—

Refer. 1st The Congress & War office Register of Commissions

2<sup>d</sup> The pay Masters Rolls of the 7<sup>th</sup> U.S. Massachusetts Regiment, commanded by Col. John Brooks, Gen<sup>1</sup> Patterson's Brigade; Stationed at West Point-

3d Gen1 Washington's Register of Resignations-

(10)

STATEMENT MADE BEFORE JOSEPH B. McKEAN.

[Copy.]

City & County of Philadelphia.

On this Eight day of April in the year One thousand Eight hundred and Eighteen before me Joseph B. McKean, Judge of the District Court for the City & County of Philadelphia in the Commonwealth of Pennsylvania, personally appeared Isaac Franks of the same City, who being duly sworn, deposes & says, that he served in the War of the Revolution, against the Common Enemy as an Ensign in the Army on the Continental establishment, above twelve months, without any intermission.

That he entered the service in the month of May or June 1776 and joined Col. Lesher's Regiment in the City of New York (his native City) as a Volunteer. That he was in the Battle of Long Island. And in the year 1777 He joined the Quarter Master's Department in the Continental Village, a few miles above Peekskill in the State of N. Y. as an assistant Forage Master to Capt. Campbell. The Department was under the direction of Col. Hugh Hughes D. Q. M. Genl.

In January 1778, the Deponent was appointed Forage Master and in the Spring of the same year (1778) was stationed at West Point as Forage Master of the Garrison of West Point & its Dependancies and so continued for several years, until the Month of January in the Year 1781, when as an Ensign he joined the Seventh Massachusetts Regt., then stationed in the Garrison of West Point, in the Army of the United States and afterwards received his commission as an Ensign in said Regiment dated the 12th March 1782 to take rank as such from the 1st Jan. 1781 and continued in the service till about the month of June 1782, when the deponent resigned with the approbation of the Commander in chief, through the interference of Dr. Samuel Findly the Surgeon of said Regt. Being severely afflicted with the gravel, which still, occasionally, greatly distresses him That by reason of his reduced circumstances in life, he is in need of Assistance from his country for support, and that he never has rec'd or been allowed any pension by the laws of the U.S. he is a native born, and yet a resident Citizen of the U.S. & now resident in the City of Phila in the Commonwealth of Penna.

I.F.

Sworn & Subscribed Before J. B. McK.

#### [Copy.]

I Joseph B. McKean etc., as aforesaid, do Certify that it appears to my satisfaction that the said Isaac Franks did serve in the Revolutionary War, as stated in the preceeding declaration, against the Common Enemy; and now transmit the preceeding declaration and testimony had and taken before me, to the Secretary of the department of war, pursuant to the directions of the aforementioned Act of Congress.

(Signed)

Jos. B. McKean.

The evidence in addition to the Claimant's Affidavit etc. transmitted is:

- 1. His Commission as Ensign in the Seventh Massachusetts Regiment in the army of the United States dated 12 March 1782 to take rank as such from 1 Jan. 1781.
- 2. Certificate of Clement Biddle Com. General of Forage dated the 19 March 1812.

(Signed)

J. B. McKean.

[Seal of the District Court of the City & County of Philadelphia.]

(11)

### LETTER TO JONATHAN ROBERTS.

[Copy.]

Philadelphia Dec. 15th 1818

The Honorable

Jonathan Roberts Esquire

Member of the Senate of the U.S.

Sir.

I intended to have addressed myself to you, on the subject of a Pension from the U.S. last spring, but my papers were only prepared by my friend Judge Joseph McKean, when Congress was about to adjourn, then I thought it was too late in the session to trouble you.

I now beg leave to address you on the subject and to enclose my Declaration and Vouchers, for your examinations, and respectfully solicit the favor of you to take my claim for a pension under your Patronage & and be pleased to have the goodness to present my claim to the Secretary of War.

My application for a Pension was made to Judge McKean (as he has certified) on the 8th day of April last agreeable to law, and He is of opinion that the pension will commence from that date.

I beg leave to avail myself of this opportunity to tender to you my sincere thanks for your kind endeavors in my behalf in the year 1814, when my claim on the U. S. was pending before Congress, for arrearage of Pay for my Revolutionary services, which is yet unsettled and a balance due to me from the U. S. of upwards of sixteen hundred Dollars, which is said to be barred, unfortunately for me by an act of Limitations.

I am sir,

with great Respect & Esteem your obedient servant

ISAAC FRANKS.

P. S. I am Sir a native born Citizen and a uniform Republican. When Sir, it may be convenient to you to favor me with a reply, Be pleased to direct.

Col. Isaac Franks, Philadelphia.

(12)

A SECOND LETTER TO JONATHAN ROBERTS.

Philadelphia February 22d 1819.

The Honorable

Jonathan Roberts, esquire

Sir-

Your esteemed favor of the 19<sup>th</sup> of December last, came duly to my hands, adviseing me of your having received the proofs of my revolutionary services, and that you had presented them to the Secretary of War, and you were pleased to observe, that when they were decided upon, you would advise me. Accept sir, my grateful thanks for your benevolent attention.

Not having received any advice from the War office, and being anxious to enjoy that provision which the Laws of my Country have provided for me, I take the liberty, Sir, to address you again, in order to state some facts of my Revolutionary services, which I omitted in my letter to you on the subject of a Pension.

In June, 1776, armed and equiped at my own expense, I joined the army in the City of New York, and in July following, in parade order attended the first communication of the Declaration of Independence, which was read to the Troops: when we all as with one voice, Declared that we would Support and Defend the same with our lives and fortunes.

In August following, I marched with the Army under the immediate Command of General Washington, to Long Island, was in the heat of the Battle, and in the retreat to New York, and continued steadily and actively in the Army of the United States in the Service of my Country from the month of June 1776 until within a few months of the preliminarys of peace in the year 1782, when I was suddenly attacked with the gravel, which occasionally afflicts me to this day .- (See Rush<sup>s</sup> letter.)

The first part of my revolutionary services was as a Volunteer in the year 1776. The second part, from the first of January 1777, to the 31st December 1780, Four Years, was in the Quarter Master General's Department, on the continental establishment; and was in continued active service. -My stations where as follows viz: on the lines of the Enemy in the neighborhood of New York, at the white plains: at the Continental Village, until the enemy took and burnt it; and at the Garrison of West Point, and its dependences, (see Col. Clement Biddles, certificate of my services) and the last part of my revolutionary services from the first of January 1781. to about June 1782 (seventeen months) was as an officer in the Line of the Army of the United States on the continental establishment, (see my Commission from Congress.) And I do solemnly declare, That all my revolutionary services, were steady and active, and performed with Honor and fidelity and without intermission. If sir, I am not trespassing too much upon your time and it will be convenient—permit me once more, respectfully to solicit your patronage with the Secretary of War to enable me to receive

my certificate, before you leave Washington—My declaration was made before Judge McKean on the eight day of April 1818—I am Sir—with due Respect—your obedient Servant ISAAC FRANKS.

V. (13)

## COPY OF BILL PRESENTED TO PRESIDENT GEORGE WASHINGTON.

An account of Extraordinary Expences, occurred to Isaac Franks in order to Accommodate the President of the United States, with his house, furniture, Beds, etc. in Germantown in consequence of a note received from the President the sixth Nov. 1793 to that purport in a letter from Thos. Dungan of Germantown.

1793, Nov. 6. Paid for the hire of a light two-horse waggon and driver for six days, at 2 dollars per day, for conveying myself & Mrs. Franks to Germantown, from Bethle-

hem in order to put my house & furni-	
ture in a situation to accommodate the	Doll.
President	12
Expences attending the Jurney	18
For the hire of Beds, furniture, etc. to acom-	
modate my family during the time the	
president occupied mine	12
Set out on the 19th Dec. for Germantown	
from Bethlehem in order to ascertain from	
the President, how long he intended to	
keep my house, furniture, etc. that I	
might accommodate my family and gov-	
ern myself, accordingly expences attend-	
ing this jurney & back to my family	10
Cash paid for Cleaning my house and put-	•
ting it in the same condition the President	
rec'd it in	250

For the damage done to a large double	
Japand waiter made use of in the service	
of the president	6
To one flat Iron missing £0110 $\frac{1}{2}$	
One large fork @ 2/6	
4 Platters @ 1/	
To 3 Ducks @ 2/6	
4 Fowls @ 1/9	
1 Bushel Potatoes	
One hundred of Hay	
£11210 $\frac{1}{2}$	440
To 2 Months house rent @ 400 Dr. pr Year	6666
	T. 1. 101 11
	Dols. $131\frac{56}{100}$

(14)

G. W. Hufnagle's Account of Colonel Franks' Resi-DENCE IN GERMANTOWN.

This Dwelling and Residence of Colonel Isaac Franks, Situated in Germantown, pa (phila) as follows—

This Dwelling No. 4782\* Main Street Germantown, phila pa. was built by David Desler, in 1774 & 75—and at the time of the Battle of Germantown, it was taken possession of by Sir William Howe Commander in chief of the British Army, as His head Quarters, and here he received a visit from the future King William the 4th then a Midshipman in the British Navy-In 1782 this property was sold by David Deshler [sic] to Colonel Isaac Franks, Aid de Camp to General George Washington-During the Yellow fever of 1793, The Seat of Government was removed to Germantown pa, and General George Washington rented this Dwelling furnished from Colonel Isaac Franks and occupied it with His family.

In 1804 it was purchased by Elliston and John Perot as a

<sup>\*</sup> Present number: 5442.

summer residence—and on the death of Elliston Perot, in 1834, it fell to his share (John) and became part of his estate.

His son in law Samuel B. Morris, purchased it soon after, and resided there until his death in 1859, and leaving it by his will to his son Elliston Perot Morris—The present owner who resides in it—(August 1876) 8 month 1876.

The Residence of General George Washington in 1793.

\* 715773

# SOME CASES IN PENNSYLVANIA WHEREIN RIGHTS CLAIMED BY JEWS ARE AFFECTED.

BY JOHN SAMUEL, Esq., Philadelphia.

The case of Stansberry v. Marks, reported in 2d Dallas, page 213, was tried on Saturday, April 5, 1793. The defendant offered Jonas Phillips, a Jew, as his witness, but he refused to be sworn because it was his Sabbath. The Court therefore fined him £10.

In 1816 Abraham Wolff was convicted, under the act of 1794, for performing worldly employment on the Lord's day, commonly called Sunday.

His conviction was excepted to, on the ground (among others) that being a Jew, he was not within the meaning of the act inflicting the penalty.

Phillips, his counsel, among his other arguments in the Supreme Court, used this curious one, that the Fourth Commandment, "Six days shalt thou labor and do all thou hast to do," imperatively bound him to work all of the other days except the day he thought set apart for rest, viz. Saturday.

It is needless to say that the Court did not support that construction of the Fourth Commandment and affirmed the conviction. This case of Commonwealth v. Wolff is reported in 3 Sergeant & Rawle, page 48.

In the case of Phillips v. Gratz, reported in 2 Penrose & Watts, page 412, both parties were Jews. The cause came on to be tried on Saturday, May 7, 1831. Levi Phillips, one of the plaintiffs, with what seems rather a strange inconsistency, came into the court-room and there made an affidavit "that he had scruples of conscience against appearing

in court to-day and attending to any secular business, and that he believes his presence and aid will be material in the progress of the cause." On filing the affidavit, plaintiffs moved for a continuance of the case, that is, that the case be not then tried, but that it should go over until the following term. The Court would not grant the "continuance" asked for, but ordered the case to go on. An appeal was taken to the Supreme Court. The remarks of Chief Justice Gibson, one of the most liberal, as well as one of the most distinguished men who ever filled that seat, in delivering the opinion of the Court, on the duty of the individual when his conscience comes in collision with the law, are so sane, so in contrast to the morbid views of overwrought hypersensitiveness which have of late prevailed, that they deserve repetition:

"The religious scruples of persons concerned with the administration of justice will receive all the indulgence that is compatible with the business of government; and had circumstances permitted it, this cause would not have been ordered for trial on the Jewish Sabbath. But when a continuance for conscience's sake is claimed as a right, and at the expense of a term's delay, the matter assumes a different aspect.

It never has been held . . . that the course of justice may be obstructed by any scruple or obligation whatever. The sacrifice that ensues from an opposition of conscientious objection to the performance of a civil duty, ought, one would think, to be on the part of him whose moral or religious idiosyncrasy makes it necessary; else a denial of the lawfulness of capital punishment would exempt a witness from testifying to facts that might serve to convict a prisoner of murder, or, to say nothing of the other functionaries of the law, excuse the sheriff for refusing to execute one capitally convicted. That is an exemption which none would pretend to claim, yet it would inevitably follow from the principle insisted on here. Indeed, a more apposite instance

of conflict betwixt religious obligation and social duty can hardly be imagined. Rightly considered, there are no duties half so sacred as those which the citizen owes to the law. In the judicial investigation of facts, the secrets of no man will be wantonly exposed, nor will his principles be wantonly violated; but a respect for these must not be suffered to interfere with the operations of that organ of the government which has more immediately to do with the protection of person and property. The safety of the citizen and the very existence of society require that it should not. That every other obligation shall yield to that of the laws, as to a superior moral force, is a tacit condition of membership in every society, whether lay or secular, temporal or spiritual, because no citizen can lawfully hold communion with those who have associated on any other terms; and this ought, in all cases of collision, to be accounted a sufficient dispensation to the conscience."

It is to be observed of all of the above cases, that though the questions arose concerning Jews, yet they do not affect any question or right peculiar to Jews. The same questions might arise (and have since arisen) with the Seventh Day Baptists and others.



### HENRY CASTRO, PIONEER AND COLONIST.

BY REV. HENRY COHEN, Galveston, Texas.

Henry Castro, the pioneer of that portion of western Texas situated west of the city of San Antonio, was born in France in July, 1786, of rich parents, and was descended from one of the oldest Portuguese families (the Marrano family of De Castro), one of his ancestors, Joao of Castro, having been fourth viceroy of the Indies for the King of Portugal. In 1805, at the age of nineteen, he was selected by the Prefect of his department (Landes) to welcome the Emperor Napoleon on the occasion of his visit to that department. In 1806 he was one of the guard of honor that accompanied Napoleon to Spain. In 1818, being an officer in the first legion of the National Guards of Paris, he fought with Marshal Moncey at the gate of Clichy. He emigrated to the United States after the fall of Napoleon, and in May, 1827, was appointed Consul for Naples at the port of Providence, Rhode Island, having become an American citizen, by choice, the same year. He returned to France in 1838, and forming a partnership with a Mr. Lafitte, he took an active interest in trying to negotiate a loan for the Republic of Texas.

With the declaration of Texan independence, March 2, 1836, all colonial grants and contracts with Mexico or the State of Coahuila and Texas ceased. From the birth of the Republic of Texas to the year 1841, there was no law authorizing colonial contracts. On February 4, 1841, a law was passed empowering the President, under conditions set forth, to enter into contracts for the colonization of wild lands in Texas. This act was amended January 1, 1843.

On January 15, 1842, Henry Castro entered into a contract with President Houston, for settling a colony west

of the Medina, such contract to hold good for five years. The eastern boundary of the proposed colony being four miles west of the Medina, the settlement would have been deprived of the advantages of being situated upon that beautiful stream, had not Castro purchased from private individuals the lands adjacent, thereby making Medina his President Houston having appointed eastern boundary. Mr. Castro Texan Consul-General to France, the latter at once began to carry out his emigration enterprise; but, most inopportunely for his cause, Texas was invaded by Mexico (1842), and although his plans were not frustrated, the work was retarded. On December 25, 1844, after the cessation of hostilities and their consequent public inconveniences, his contract was prolonged for three years from its original period of termination,—a just and honorable concession by Texas to one of such approved zeal and energy. Meanwhile, upon his appointment as Consul-General, he hurried to France, where, besides his official and personal affairs, he did yeoman service in aiding General James Hamilton, the Texan minister, to popularize the cause of Texas in that country. He encountered great obstacles to his colonization scheme, as the French government was using immense efforts to encourage migration to its colonies in Algiers. On November 13, 1842, despite opposition, he dispatched, at his own expense, the ship "Ebro," from Havre, with 113 emigrants for Texas. This was followed soon afterwards by the "Lyons," from Havre, and the "Louis Philippe," from Dunkirk, both bearing emigrants, among whom was the Abbé Menitrier. From Antwerp on October 25, 1843, the "Jeane Key," and on May 4 of the same year the "Jeanette Marie," set sail for Texas with their human freight. These five ships brought seven hundred colonists, men, women and children. Between the years 1843-1846 Castro introduced into Texas over five thousand emigrants -farmers, fruit and vine-growers, - transporting them in twenty-seven ships,—chiefly from the Rhenish provinces. These made an excellent class of industrious, law-abiding people, whose work in the beautiful gardens, fields and homes in Medina and the contiguous counties can be seen to-day.

On September 3, 1844, after many delays, the heroic Castro formally inaugurated his colony. A town had been laid out on the west bank of the Medina, and by a unanimous vote of the colonists, was named Castroville.

Some noted Texas characters, Colonel John C. Hays, Colonel George T. Howard, John James the surveyor, and John M. Odin, the first Catholic Bishop of Texas, visited Castroville and bade welcome to the strangers from France and the Rhine. Bishop Odin laid and blessed the cornerstone of the first house dedicated to the worship of God—a service solemnized even before the settlers had built permanent huts to shelter their families.

The settling of this colony was a bold step, exposed as the location was to the attacks of bandits and degenerate Mexicans on the west and to the hostile Indians on the north. In the establishment of the little city, Castro confronted dangers unknown to the first American colonists in 1822, for besides these savages, now accustomed to the use of fire-arms, the settlement challenged inroads from the whole Rio Grande Mexican frontier, which in 1822 furnished friends and not enemies to the foreign colonies in Texas. It was doing that which both Spanish and Mexican power had failed to do in the one hundred and fifty-two years (1692-1844) since the first settlement at San Antonio. It was founding a permanent home for civilized men between San Antonio and the Rio Grande, the settlements and towns which were unanimous in their hostility to Texas and its people. It was an achievement entitling the name of Henry Castro to be enrolled among the most prominent pioneers of civilization in modern times.

Mr. Castro, soon after establishing his Castroville colony, was compelled to revisit France for a few months. He deliv-

ered a farewell address to his people, to which on November 25, 1844, they responded in writing as follows: "We take pleasure in acknowledging that since the 1st of September, the date at which we signed the proces-verbal of taking possession, you have treated us like a liberal and kind father. . . . Our best wishes accompany you on your voyage, and we take this occasion to express to you our ardent desire to see you return soon among us to continue to us your paternal protection." Signed by Leopold Menitrier, J. H. Burgeois, George Cupples, Jean Baptiste Lecompte, Joseph Weber, Michael Simon and forty-seven others, all heads of families.

In 1845, upon his return to Texas, Castro settled the town of Quihi, in 1846 Vandenburg, and in 1847 Dhanis, all of which settlements (situated in Medina, Frio, McMullen, Zavalla, Uvalde, Bandora and Bexar counties) are now in a prosperous condition, Castroville being a flourishing city.

In his emigration schemes Henry Castro expended over one hundred and fifty thousand dollars of his personal means. He fed his colonists for a year, furnished them with cows, farming implements, seeds, medicine, and in fact whatever they needed. He was a father, dispensing blessings hitherto unknown in the colonization of Texas. He was a devoted friend of Presidents Lamar, Houston and Jones, who in turn did all in their power to further his noble and patriotic work of planting permanent civilization in southwest Texas. He had implicit confidence in the capacity of intelligent men for self-government, and abhorred despotism as then illustrated by the monarchies of Europe. He believed, with Jefferson, in the God-given right of every association of men, communal or national, to select its own officers, and by chosen representatives, to make its own laws; hence he was, in every sense, a valuable accession to the infant republic of Texas. Besides a number of maps, he published many pamphlets on Texas, in French and German, which, circulating principally

in the Rhenish provinces, aided his emigration movement.\* In 1876 the State of Texas honored his memory as the pioneer of western Texas by giving his name to one of the new counties. His tastes were literary, and he was exceedingly modest. The instinct of the Marrano must have been strong within him, as it is related, upon the authority of a contemporary, that during his surveying tours he would leave his companions in order to retire to the forest for the purpose of binding his phylacteries (tephillin). He did not often speak of his family, although he was proud of his uncle, Dr. Barota, an eminent physician of Jamaica.

When the civil war raged in the United States and our ports were closed, Henry Castro sought to visit the land of his birth, and to that end reached Monterey, Mexico. There he sickened and died (1861), and there, at the base of the Sierra Madre, his remains repose; but his memory has an abiding place in the bosom of every Texan who reads of his labors in the cause of civilization.

#### AUTHORITIES.

Texas Almanac, (Galveston), 1870, pp. 57-58.

History of Texas, by John Henry Brown, 1892, Vol. II, pp. 282-286, 541.

The Republic of Mexico, by Lorenzo Castro (Henry Castro's

son), 1882, Preface, pp. iii, iv.

Correspondence of Phineas de Cordova, a contemporary of Henry Castro, January 1st, 1895.

<sup>\*</sup>Extract from C. W. Raines' Bibliography of Texas (Austin, 1896), page 46: "Castro, Henry (1786-1861) Memoirs on Texas, in French and German, with maps. 12mo. 1845. Castro's publications were to induce emigration to his colony in Medina county. Under his auspices 485 families and 457 single men settled in Western Texas."



## MATERIAL FOR THE HISTORY OF THE JEWS IN THE BRITISH WEST INDIES.

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The time is not yet ripe for writing the history of the settlement of the Jews in the British West Indies. that can be done, the material upon which such a history will be based must first be collected and published. Up to the present time our reliance, in the main, has been put upon the inadequate and often erroneous statements to be found in the general histories of the West Indies. But the publication, by the British Government, of calendars of documents preserved in the Public Record Office in London, has made available a large body of authentic material, from which many of the appendices to these notes have been derived. Although, as yet, issued only for the century from 1574 to 1676, it will be seen that they contain information of great value. As the home government gave more and more attention to colonial affairs after the latter date, and particularly after the accession of William III, it is safe to assume that the later calendars will prove of still greater usefulness.

To supplement the information obtained from this source a careful examination has been made of the laws of the West Indian colonies, contained in the great Charlemagne Tower collection of colonial laws in the possession of the Historical Society of Pennsylvania. Many laws, however, particularly those imposing taxes which so often affected the Jews, were of a temporary character, being frequently in force but for two or three years. These have rarely been published in full, and it is extremely disappointing, after following up a

promising trail, to find it ending only in a title. Thus, for example, it has been possible to find only two of the laws against which the Jews of Jamaica petitioned in 1700.\*

But the original manuscript laws and minutes of the councils and assemblies of these colonies are, it is hoped, still in existence; if not at the Public Record Office, perhaps among the archives of the individual colonies. Much other documentary material must also be preserved in the latter depositories. It is, in consequence, futile to attempt to do justice to the history of the Jews in that part of the world, until careful examinations of the local records have been made upon the spot. The field is inviting, not alone because of its fertility, but also by reason of its diversity and importance. Here, first in the New World—and in all the world, for that matter—Jews enjoyed some of those rights of Englishmen, for the preservation of which many of the ancestors of members of this Society fought and bled at a later period.

In small numbers, they occasionally wandered or fled from Europe and South America into these islands during the first half of the seventeenth century. It is indeed related that Jews settled in Barbadoes in 1628.† Some color to this statement of the early presence of Jews in the West Indies is lent by a letter from one Abraham Jacob to the Earl of Carlisle, bearing date September 22, 1628, wherein he complains of the island business as having been exceedingly unprofitable.‡ Jacob, however, writes from London, and his remarks give no evidence that he was trading with Jews there, although the chances are that he was.

We come, however, to definite data in 1661. On the 8th

<sup>\*</sup>See Pub. Am. Jewish Hist. Soc. No. 2, pp. 165-166, and Appendix XIV.

<sup>†</sup>See History of Barbadoes by the now famous Sir Robert H. Schomburgk, wherein he says (p. 97) that, according to the best information obtainable, the earliest settlement of the Jews there dates from 1628.

<sup>†</sup> Calendar of British State Papers, Colonial, 1574-1660, p. 94.

of April of that year Benjamin de Caseres, Henry de Caseres and Jacob Fraso petition the King to permit them to live and trade in Barbadoes and Surinam.\* The recently enacted Navigation Act of Charles II, more stringent than any that preceded it, prohibited trade with all English plantations except in English ships owned and manned by Englishmen, and all the products of the plantations must perforce be shipped to England.† Illegal trade, particularly with Holland, was none the less carried on, but these three Jews wished to come by their opportunities honestly. They must have been men of account, for to fortify their application they had been able to induce the King of Denmark to similarly appeal to Charles II in their behalf. Their petition was in due course referred to the Commissioners for Foreign Plantations, who made report to the King on the 24th of July of the same year. They review the whole question of the advisability of allowing Jews to reside in and trade with His Majesty's colonies, a matter which they say "hath been long and often debated." The merchants of England are opposed to the admission of Jews, because of their ability to control trade wherever they enter it, and because they will divert it from England to foreign countries, which will reap the benefit. The planters, on the contrary, favor their admission by reason of the advantages that the colonies and the kingdom will derive from the freer trade, and they state that the merchants oppose the admission of the Jews to trade because they "principally aime at the appropriating that whole Trade to themselves, and the necessitating the Planter to accept such prices and Conditions as they shall think fitt to impose upon them."

These arguments are given due consideration by the Commissioners. They refrain, however, from deciding the general question, but advise that these three highly recommended Jews, who have "behaved themselves well, and

<sup>\*</sup>See Appendix I. †12 Charles II, 1660. ‡See Appendix II.

with general satisfaction many yeares upon Barbados,"\* be granted a special license to reside there or in any other plantation.

Ever since the capture of Jamaica in 1655, the trade relations between England and her West Indian possessions had been of increasing proportions. The resources of the island were being discovered and utilized, and the Jews were early on the scene. At about the same time that the case of the three Jews just mentioned was before the Council for decision, Jacob Jeosua Bueno Enriques, a Jew, resident in Jamaica for two years, petitioned the King for permission to work a copper mine in that island. Nothing daunted, he further requests that he and his brothers Josef and Moise Bueno Enriques "may use their own law and hold synagogues."† We find no statement to indicate whether this permission was granted or not, but, as we shall presently see, a Jacob Henriques appears there, as a man of prominence, in 1693.

The next reference to a Jew in that quarter is in a letter bearing date May 25, 1664, from Lieutenant-Colonel Thomas, the President of the Jamaican Council, wherein he mentions a certain "gold-finding Jew, Senr. Abram Israel de Pisa," who has sailed for England, leaving behind him some ore, with directions to find the gold. But Colonel Thomas sententiously adds, "we are all infidels, because the miracle is to be wrought in our own country." He states, however, that Pisa has found some vanilla and pimento.‡

A month later in the same year we happen upon the rather interesting personality of Benjamin Bueno de Mesquita, whose name has already appeared in the pages of these *Publications*.

<sup>\*</sup>This statement of the residence of these Jews for many years in Barbadoes, and the one made above, that the question of their admission to the islands has long been the subject of debate, are worthy of especial note, for they establish the fact that they were there considerably before 1661.

<sup>†</sup>See Appendix IV.

He, a Portuguese merchant resident in Jamaica, prays the King for relief from the provisions of the Navigation Act which prevent him, a foreigner, from trading with His Majesty's plantations, where he has all of his estate.\* He therefore desires to be granted letters of denization, so drawn, however, that he may take the oath of allegiance† there. The attorney-general, to whom the application was referred, gave it as his opinion, on July 5, that the King might legally grant the same.

The permission was scarcely given, when, moved by the failure of certain Jews in Barbadoes (to whom we shall presently advert) to find the promised gold mines, the wrath of the King was aroused, through the machinations of Sir William Davidson, who considered himself "much damnified" by them. Benjamin Bueno de Mesquita, with his two sons, Abraham Cohen, Jacob Ulloa, and Abraham Suarez, are thereupon ordered to be banished the island, but not before they have paid certain customs dues and made sundry other restitutions.\(\frac{1}{2}\) The tombstone of Benjamin Bueno de Mesquita has been found in New York City, with the date 1683 upon it.\(\frac{1}{2}\) It is therefore altogether probable that he and his family, and possibly the other Jews mentioned, when forced to leave Jamaica, migrated to New York.

Three years later || Solomon Gabay Faro and David Gomes Henriques, who have been made free denizens of England,

\*This statement would indicate that Mesquita was living in Jamaica at least before 1660, and possibly before Jamaica was

captured by the British.

†It will be remembered that the process of denization or naturalization in England until 1753, when the "Jew Bill" was passed, required taking the oaths of allegiance and supremacy, and the sacrament as well. The law of Jamaica of 1683 required, for naturalization, simply taking an oath of allegiance, but whether this contained any clause obnoxious to the Jews to which they could not subscribe, I have been unable to discover.

‡See Appendix VI, also XVII.

See Pub. Am. Jewish Hist. Soc. No. 1, p. 91; No. 2, p. 98.

| July 3, 1668. See Appendix VII.

are, by order of the King, recommended to Sir Thomas Modyford, the governor of Jamaica, in order that they may be permitted to remain upon the island and trade there, "as long as they behave themselves well and fairly."

On July 29, 1670, Abraham de Soza Mendes, mentioned as an inhabitant of Jamaica, is ordered, by the King, to be made a free denizen of England, but only on condition that he take the prohibitory oaths of allegiance and supremacy before the governor of the island.\*

In September (23) of that year, the governor, in a letter to Secretary Lord Arlington, gives a general survey of the whole island, for the imperfections of which he makes humble apology. Included in this are the names of landholders in every parish, with the number of acres owned by each. The absence of Jewish names from the list is surprising, the only possible one being Moses Raco of St. Andrew's Parish, holding eighteen acres. This gives some standing to the charges that they would not become planters, but remained traders and merchants, made against them a few years later.†

In view of the frequent reference to the taking of oaths of allegiance and supremacy as conditional to the granting of letters of denization, it is well to note the instructions dated December 31, 1670, to Sir Thomas Lynch, appointed Lieutenant-Governor of Jamaica to succeed Sir Thomas Modyford. He was instructed, in order to give all possible encouragement to persons of differing religions, to dispense with the oaths of allegiance and supremacy except to officials of the Council, "finding some other way of securing allegiance"; and he was to suffer no man "to be molested in the exercise of his religion, so he be content with a quiet and peaceable enjoying of it." His government, which

<sup>\*</sup> Domestic Entry Book Chas. II, Vol. 25, p. 176.

<sup>†</sup> Calendar of British State Papers, Colonial Series, 1669-1674, No. 270. See also document in Pub. Am. Jewish Hist. Soc. No. 2, p. 168. ‡ Calendar of British State Papers, Colonial Series, 1669-1674, No.

<sup>367,</sup> p. 146. A suggestion to this effect had previously been made

lasted but a few years, is generally spoken of as one of particular prosperity.\*

In 1671 the Jews received considerable attention, both at home and on the island. In June of that year letters of denization are ordered to be issued to Abraham Espinosa, a merchant, upon his taking the oaths of allegiance and supremacy.† On October 21st the minutes of the Council of Jamaica mention a petition of English merchants against the trading of the Jews. By reason of this, an exact account is directed to be kept of those who produce letters of denization, "and the Council will advise what to do with those that have none."‡ In November, Sir Thomas Lynch speaks of having transmitted a petition against the Jews,§ although its contents are not stated. It is probably the one, however, which will presently be mentioned.

In the following December, Governor Lynch writes to Secretary Lord Arlington, describing the condition of affairs in the island. He refers to the petition against the Jews, but expresses the opinion that they ought not to be expelled. Only sixteen of them are without letters of denization, and he is of the opinion that the King can have no more profitable subjects than they and the Hollanders, "who have great stocks and correspondence." The tone of his remarks is decidedly commendatory, and he pays a tribute to the intelligence of one of

(Sept. 20, 1670) by Sir Thomas Modyford, *ibid*. No. 264. Among the instructions suggested to the King by the Council for Trade and Plantations, to be given to the newly appointed governor of Jamaica, the Earl of Carlisle, is a clause similar to that noted above. It bears date of March 23, 1674, but did not go into effect until Carlisle's appointment in 1678. See *ibid*. Nos. 1252, 1253.

\*It may be added also that No. 523 of the same series of state papers records the fact that Jacobe de Tones or Torres of Jamaica was on May 5, 1671, made a free denizen of England, although there is nothing but his name to indicate his race and religion. A Jacob Lopes Torres appears later on.

†See Appendix VIII.

‡ Calendar of State Papers, ubi supra No. 642.

§ Ibid. No. 663. Letter to the Council for Trade and Plantations.

them by sending him to the inland provinces to see whether he can cure some vanilla for export.\*

Early in the next year he repeats his request for orders concerning the Jews, in whose favor he mentions, as an additional qualification for residence, their aversion to the French and Spaniards.†

A few months later‡ the petition of the merchants against the Jews, to which Governor Lynch has several times referred, is considered by the Council of the King. In it complaint is made of their methods of engrossing trade, which arouse particular jealousy, and they request that the Jews be restricted to a trade only by wholesale, abandoning that by retail to the other merchants.§ The Council made short shrift of these puerile objections, and in July recommended that encouragement be given to the Jews, along with the Dutch and others to settle there—a recommendation to which the King gave effect by appending his signature.

There now appears upon the scene one Rabba Couty, a merchant of New York, who, in sore straits by reason of most unjust treatment, appeals to the King for redress. He states in his petition, dated November 15, 1672,¶ that he has long been a resident of New York, where he has paid scot and lot as a burgher. He received a license in August, 1671, from Governor Lovelace to traffic in the ketch "Trial" to His Majesty's dominions in the West Indies. But in spite of this, his ship, laden with victuals, was libeled at Port Royal, Jamaica, upon pretence that he was no denizen. And in November, 1671, under sentence of the Judge of the Admiralty, was condemned, confiscated, and the cargo divided amongst the judges. He has received much kindness at the hands of Governor Lynch, to whose lenity he particularly

<sup>\*</sup>See Appendix IX. † March 10, 1672. See Appendix X. ‡ June 11, 1672. § See Appendix XI.

<sup>||</sup> See Appendix XII.

<sup>¶</sup>This date must be that of the time when the petition was received by the Council.

refers,\* but as he has been disseized of his ship and cargo without warrant of law, as his loss is from twelve to fifteen hundred pounds, whereby he is entirely undone, and as the ship and cargo represented "the Greatest part of his Substance," he prays for redress at the hands of His Majesty, and that his case may be heard by the Council for Trade and Plantations.

The Council, with rare fair-mindedness and expedition, \*gave in their report on December 20, 1672, expressing the opinion that the decision of the admiralty court was illegal and that the ship and cargo, or the value thereof, should be restored to the owner. Two days later, the King, in an order to Governor Lynch, confirmed the decision of the Council and commanded that reparation be made to the injured Couty.†

The case is of unusual interest and importance, not alone because of the fact that justice at this time was so readily granted to a Jew, but because his appeal was acted upon with such promptness and the reversal of the decision of the admiralty court is made in such emphatic terms. Those familiar with the history of colonial America at a later day are aware of the difficulties put in the way of appeals to the King in Council, of the delays that so frequently befell such appeals, and how their number was therefore reduced to a minimum. To have a case decided within almost a year from the date of the original trial was quite exceptional, and may indicate that Couty was a person of an importance quite out of the ordinary. His statement that he paid scot and lot as a

<sup>\*</sup>Governor Lynch, in his letter of December 17, 1671, thus describes the trials of Couty and his crew: "The Spaniards carried into St. Jago one of our ketches from New York, wounded some of the seamen, robbed all and then dismissed her; but she has had harder measure here, for being a Jew's, the merchants informed against her, and she was condemned for a foreigner, though the vessel, master, seamen, and goods were English." See Appendix IX.

<sup>†</sup>See, for the details, Appendix XIII.

free burgher, which is verified by the testimony of Governor Lovelace, shows that his is probably the first instance of the admission of a Jew to full burgher's rights in New York, and perhaps in the whole of the colonies. This being true, it ought to be noted further that Couty makes no reference, in his petition, to his being a Jew, and that the fact comes out incidentally in the report of the Council on the case, and in the letter of Governor Lynch. As his name has not heretofore been discovered among those of New York's Jewish settlers, it is possible that he made no open profession of his religion, and that by reason of this concealment was admitted to burgher's rights, and traded to the West Indian colonies unmolested until the time of the incident here recorded.\* Further, appeals to the King in Council were at this time almost unknown, and this is one of the first, if not the first of its kind so far discovered and recorded.†

In the minutes of the Council of Jamaica for May 7, 1675, we find mention of an act for liberty of conscience, followed by the statement: "other clauses about Jews... to be omitted," † although it is not quite clear whether the statement about the Jews has reference to the act for liberty of conscience or not.

In this year (1675) we come upon the controversy about the transportation of the Jews along with the other English subjects from Surinam to Jamaica when the former country was ceded to the Dutch. As the details are mentioned elsewhere, we need only state here that while their numbers were small, their importance was such as to lead to considerable

<sup>\*</sup>Couty's name has not been found among the published documents relating to the colonial history of New York, although the search has of necessity been a hasty one. A Jacob Couty, a Dutchman who furnished some colonists migrating to New Amsterdam with arms and ammunition, has been found, a fact that may indicate the place of origin of Rabba Couty.

<sup>†</sup>See article by Mr. Hazeltine on Appeals from Colonial Courts, in Report of Am. Hist. Ass'n for 1894, pp. 299 et seq.

<sup>‡</sup> Calendar State Papers, 1675-1676, No. 548.

discussion over the interpretation of the treaty of cession.\* The Calendars of State Papers have only been issued down to this point, so for further authentic documents we must have recourse to the published laws of Jamaica.

While the act relative to naturalization is of interest,† the first act affecting the Jews directly by name is that bearing date of 1693 and levying a special tax upon them. The appeal from the hardships entailed by its provisions has already been published,‡ but the details of the act are of importance, for they put in evidence the names of the leaders of the Jewish community at that time.

This law, which was confirmed by His Majesty in Council, December 26, 1693, was one of the clauses of an act entitled "An Act for, and towards the Defence of this Island," made necessary by reason of the hostilities of, and attempted capture of the island by the French. Over four thousand pounds were to be raised and paid over within three months after June 10, 1693. Of this sum the Jews were to pay, in addition to the other taxes provided in the law, the lump sum of seven hundred and fifty pounds. This was to be "assessed, taxed, collected and paid in by Solomon Ararij, Jacob de Leon, Moses Toiro, Jacob Mendez Guteres, Jacob Henriques, Jacob Rodrigues de Leon, Moses Jesurun Cardoso, Samuel Gabay, Jacob Lopes Torres, \*\* Isaac Coutinho, †† Isaac Nunes Gonsales and Abraham Nunes, or any five of them." It was to be paid into the hands of the receiver

<sup>\*</sup>See the paper of Dr. Hollander.

<sup>†</sup> See footnote, p. 49 above.

<sup>‡</sup>Am. Jewish Hist. Soc. Pub. No. 2. Documents by Prof. Gross.

<sup>§</sup>Laws of Jamaica. London: Chas. Harper, 1698. See Appendix XIV.

<sup>||</sup> Spelt in the later act Ararii.

<sup>¶</sup> See p. 48 above.

<sup>\*\*</sup> See p. 51 above.

<sup>††</sup> Moses Henriques Cotinho left Barbadoes for Jamaica, Nov. 3, 1679 (see *Pub*. No. 1, p. 108). Moses Mendes Coutinho was a printer at Amsterdam, 1695–1711 (Kayserling, *Biblioteca Española-Portugueza Judaica*, p. 40). See also *Pub*. No. 4, p. 137, footnote.

one month after June 10, 1693. In case of failure to pay as thus provided, two hundred and fifty pounds additional were to be levied upon them. Further, if any of the Jews appointed to assess the tax refused to serve, they were each to be fined one hundred pounds.\* Later in the same year an additional sum of one thousand pounds was levied upon them, to be paid within one month after December 10, 1693, under a law for raising over nine thousand pounds, and under exactly similar provisions, even to the names of the assessors.†

In passing we may note the clause in an act dated 1695, providing for the erection of a free school in the parish of St. Andrew's. Along with instruction in "reading, writing, Latin, Greek, . . arithmetic, merchant accompts and the mathematiks," the scholars were to receive instruction in Hebrew—probably the earliest provision of that nature in British North America, although in subsequent acts this branch of learning was omitted.‡

In 1703, when an effort was making to induce white settlers to come to the island, a clause of an act for that purpose prohibited the Jews from holding, under penalty of five hundred pounds, any indented Christian servants. Their "deficiencies" were to be supplied "by their own nation." In case of the importation of these indented servants and a failure to sell them, the Receiver-General was to buy and pay for them, provided "that no convicts, Jews, Quakers . . or disabled persons be within the construction of this act."

A few years later (1711), by way of further menacing the Jews, they, along with mulattoes, Indians and negroes, were

<sup>\*</sup>See Appendix XIV.

<sup>†</sup> The amount to be raised was £9473 4s. 4d. The title of the act was, "An act For Raising Money as a farther aid to their Majesties, for and towards the Defence of this Their Island of Jamaica," and was made necessary by the same cause, the threatened French invasion. Laws of Jamaica, as in Appendix XIV.

tLaws of Jamaica. London: John Baskett, 1738, p. 67, No. 62. See Appendix XV.

prohibited, under penalty, from being employed as clerks in any of the judicial or other offices created by the act.\*

Relief had not been obtained from the obnoxious acts of special taxation even so late as April, 1739. The Governor, Edward Trelawney, had, a short time previously, received explicit instructions from the home government to countenance no law of that character. Yet in spite of this, he states that he was forced to append his signature to the act of that year, or else the soldiery would have suffered for lack of sufficient supplies.†

Although thus harassed in the early years of their residence,‡ their condition must have been somewhat ameliorated later on, for we find, in 1740, one Isaac Furtado acting as attorney in a case wherein a Frenchman makes claim to certain property. And in the next year Moses Gutteres is mentioned as possessing certain property condemned to be bought by the government at Port Royal to enlarge the wharf at that place.§ A Joseph Gutteres and his wife are to be found living in Orange street, Kingston, in 1753; and Jacob Gutteres, Emanuel Barruch Lousada, and Simon Phillipo are among the subscribers whose names are prefixed to the new edition of the laws of Jamaica published in Kingston in 1786.

## BARBADOES.

Returning now to Barbadoes, we have already noted¶ a reference to a "gold-finding Jew" named de Pisa.\*\* One Isaac Israel de Piso fell under the King's displeasure in

<sup>\*</sup>See Appendix XVI. †From MS. in possession of the Society. ‡See Gross's documents in Pub. Am. Jewish Hist. Soc. No. 2.

<sup>§</sup> Laws of Jamaica, London, 1756, pp. 246-7, 248.

Newspaper clipping dated Kingston, October 22, 1753, telling of his house having been struck by lightning. Du Simitière Papers, Phila. Library. Papers relating to West Indies.

<sup>¶</sup> See p. 48.

<sup>\*\*</sup> Daniel Bueno Henriques, resident in Barbadoes, was granted letters of denization, July 24, 1661. See Appendix III.

March, 1665, and it was due to his failure to find the expected gold mines in Barbadoes that the Mesquita's and others, as we have seen,\* were banished from Jamaica. This de Piso, further, is deprived of a gold chain previously bestowed upon him by the King, which is ordered to be returned to his Majesty. He and Aaron Israel de Piso with his two sisters and two brothers, also "Moses and his mother, sent thither by Abraham Cohen," are banished the island.†

In a document of a little later date Sir William Davidson complains that certain Jews cheated him of a considerable sum of money, for doing which they were soon ordered to leave the island, but no attention was paid to the edict, and the Jews, he says, continue to spoil the plantation trade.‡

Mention of the Jews of Barbadoes is made several times during the years 1667 and 1668. In the one case they are spoken of as treacherous, and in the other as owners of sugar works. On October 23, 1668, the Grand Jury of Barbadoes includes among its presentments that no Jews be suffered to retail any more goods, as they are nowhere else allowed the privilege, which is considered "extremely prejudicial to the poor of our own nation, who might be comfortably supported thereby." Two months later the King in Council makes efforts to restrain the trade between the Jews of Amsterdam and those of Barbadoes, it being in contravention of the Act of Navigation, and in January, 1669, he issues orders to seize the vessels laden on their account.\*\*

In January, 1671, Moses Pereyra is made a free denizen, with the similar restriction, about taking the oaths of allegiance and supremacy, as in the cases of other Jews.†† Following this came instructions for the governor of the island,

<sup>\*</sup> See p. 49. † See Appendix XVII.

<sup>†</sup> December, 1668. See Appendix XIX.

<sup>§</sup> See Appendix XVIII. Calendar of State Papers, 1661-1668, No. 1710.

Calendar State Papers, 1661-1668, No. 1860.

<sup>¶</sup> See Appendix XIX. \*\* See Appendix XX.

<sup>†</sup> See above pp. 50, 51, Appendix XXI.

Lord Willoughby, to dispense with the oaths of allegiance and supremacy and to molest no man in the peaceable exercise of his religion.\*

In 1673, or possibly at a somewhat earlier date, the Jews began a period of agitation for a recognition of their rights as citizens. In January of that year a bill passed the Assembly of Barbadoes granting them the privilege of giving testimony before the courts in certain cases. The Council of Jamaica was not yet ready to act upon the measure, and a Mr. Farmer was appointed by the Assembly to manage the conference for them on the subject of the "Jews act." † But their disabilities were removed the next year, when on February 18, 1674, a law was passed granting them the privilege of taking oath upon the five books of Moses in accordance with their religion, when called upon to give testimony in cases relating to "trade and dealing, and not otherwise." ‡

They were not satisfied with the restriction of their right to testify in commercial cases only, and in January, 1675, petitioned for a further extension of their privileges. A week after their prayer was heard the Assembly ordered "that a law be provided according to the prayer of the petition of some of the Hebrew nation." On February 17 of that year the Assembly passed an act granting them the right to testify in all courts and causes. This, however, probably failed to receive the sanction of the Governor and Council, for no such act is found in any of the collections of laws of Barbadoes that I have seen, and the law of 1674 given in Hall's edition is mentioned as still in force in 1764.\*\*

<sup>\*</sup> Cal. State Papers, 1669-1674, No. 812.

<sup>†</sup> Cal. State Papers, 1669-1674, No. 1027. It may be stated here that a list of the most eminent planters in Barbadoes in May, 1673, contains the name of no Jew. *Ibid.*, No. 1101.

<sup>\$</sup>See Appendix XXII.

<sup>§</sup> Calendar of State Papers, 1675-1676, Nos. 411 and 419.

<sup>¶ 1</sup>bid. No. 438. ¶ See Appendix XXII.

<sup>\*\*</sup> Sir R. H. Schomburgk, in his history of Barbadoes (p. 97), states that in 1680 their rights were further extended by law, although the

The extent of the Jewish settlement in Barbadoes at this time was not very considerable. The Governor, Sir Jonathan Atkins, writing in July, 1674, says there were not over thirty families "of Dutch extraction from Brazil"; many of them are very poor, but the "better sort" have become denizens; they are orderly citizens, and observe the laws except in matters of religion.\*

No one familiar with the history of the West Indian colonies, particularly of Jamaica, can have failed to notice the constant fear in which the inhabitants lived of a slave uprising. In many cases the treatment of the slaves was particularly cruel, and they frequently revolted and committed horrible atrocities. Stringent laws governing the control of slaves were therefore enacted, and in 1688, when Barbadoes passed one of such a nature, the Jews residing in the seaport towns or islands, who were not denizens, were restricted to the holding of one slave apiece, under penalty of having the slaves forfeited.† The increasing importance of the Jewish community in the island led to the absolute repeal of this obnoxious clause in September, 1706.‡

In 1756 a special and extra tax of two hundred and ten pounds per annum was laid on them, apportioned so that those in Bridgetown should pay one hundred and ninety pounds of that sum, and those of Speightstown the remainder,

meaning of this is not clear, and illustrates what was said in the beginning of this paper about the vagueness of statements concerning the Jews, to be found in the general histories of the West Indies.

\* Calendar British State Papers, 1669-1674, No. 973: "July 4/14, 1676. Barbadoes. Governor Sir Jonathan Atkins to the Lords of Trade and Plantations. . . . Not above thirty Jew families of Dutch extraction from Brazil; many are very poor, but the better sort have been made denizens; they are very quiet and submit to the Government, religion excepted. . . . As to the Anabaptists, Jews, Quakers, and other separatists, they will bury where they please and observe the rules they list."

+ See Appendix XXIII.

a specification which indicates the localities they inhabited.\* Five years later, however, this was repealed in the general law for raising revenue in the island, when it was provided that no distinction in levying the tax should be made as between Christians and Jews, all paying share and share alike.†

#### THE LEEWARD ISLANDS.

Several other documents relating to the Jews in the West Indies, in addition to those mentioned above, have been located.<sup>‡</sup> Notably a special act designed to prevent Jews from engrossing commodities imported into the Leeward Islands, dated August 31, 1694; and the repeal of this act in 1701, on petition of the Jews, but with the proviso that in case of war they should assist in the defense of the island to the utmost of their power, and further, "behave themselves fairly and honestly . . . for the future." § This received the royal assent and became law May 17, 1703.

No further comment need be added to the bare narration of facts recorded in the preceding pages, except to emphasize once more the case of Rabba Couty. The discovery of this man, who may have resided in New Amsterdam before its capture by the British, who probably came there from

†See Appendix XXVI. A similar statement making no distinction between Christians and Jews is made in the tax law passed October 10, 1761.

‡ In January, 1671, Governor Wheeler, of the Leeward islands, was instructed to dispense with the administration of the oaths of allegiance, and to molest no man in the exercise of his religion (Calendar State Papers, 1669-1674, No. 398). And in a document dated July-November, 1667, narrating the capture of Cayenne, mention is several times made of the Jews there—evidence which would appear to disprove the statements that have heretofore been made that they left that place in 1664.

§ The title only of the earlier act has been found. It reads: "An act against Jews ingrossing Commodities imported in the Leeward Islands, and trading with the Slaves belonging to the Inhabitants of the same." It is dated August 31, 1694. See Appendix XXVII.

<sup>\*</sup>See Appendix XXV.

Holland, who by his own testimony and that of Governor Lovelace had all the rights of a burgher, which must have included that of holding official position, who had the misfortune to have his vessel captured and condemned to confiscation by a court of admiralty in Jamaica, but who, or whose attorney, had the extraordinary keenness to appeal from this decision to the King in Council, stamps him as a personage of no inconsiderable account. But more than this, the fact that his appeal was heard, and the decision of the court emphatically reversed with such extraordinary haste, at a time when appeals to the King were almost unknown, leads to the belief that he must have been a man of importance and influence in the community and with the Council, and to the hope that some further facts respecting him may soon come to light.

### APPENDIX I.

[Colonial Papers, 1661. Vol. 15, No. 31.\*]

To the Kings most Excellent Ma<sup>tie</sup>

The humble peticon of ——† Beniam̃ de Caseres Henry de Caseres and Jacob Fraso.

Shewing

That verie lately your Ma<sup>tie</sup> was pleased to receive a letter brought for your Ma<sup>tie</sup> from the King of Denmark desiring libertie and Licence for the Peticoners to live and trade in ye Barbadoes & Seraman Now fforasmuch as their residence in those places will rather benefit then prejudice the Inhabitants thereof.

They most humbly pray that yor Ma<sup>tie</sup> wilbe gracously pleased to indulge vnto them the favour desired in the said Letter and accordingly comand a Passe to be given them

And as in all duetie bound they shall pray &c.

At the Court at Whitehall the viiith day of Aprill 1661.

<sup>\*</sup>Unless otherwise specified the references are to the original documents in the Public Record Office, London, of which these are copies.

<sup>†</sup> Henry first written and then struck out.

His Ma<sup>tie</sup> is gracously pleased to referre the Petičon to the hono<sup>ble</sup> the Cōmissioners for Forreigne Plantačons to consider thereof and certifie to his Ma<sup>tie</sup> what they conceive fitt to be done therein.

EDW: NICHOLAS.

### APPENDIX II.

[Colonial Papers. Vol. 15, No. 75.]

May it please yor Matie:

The Councell for Forreigne Plantations having received yor Ma<sup>ties</sup> Reference under the hand of Secretary Nicholas, to consider of the Petition of Benjamin Caseres, and two others, doe humbly Certifie yor Ma<sup>tie</sup>: That the Petition<sup>rs</sup> appearing to bee straungers, and Jewes, are by the Act for the Improvement of Navigation forbidden to Trade vpon, or from, any of yor Ma<sup>tie</sup> Plantations. And it hath been long, and often debated, and Controverted, whither it doth stand with yor Ma<sup>ties</sup> Interest, and with ye advantage of yor Ma<sup>ties</sup> Collonies and of yor good People relatinge therevnto, to admitt the Jewes to a freedome of residing and Trading therein, equall with ye native Subjects of yor Ma<sup>tie</sup> The Judgment herevpon hath differed, according to ye Interests of the Persons Concern'd.

The Merchants have vrg'd that the Jewes are a People soe subtile in matters of Trade, and that they, and their stocks, are soe settled in other nations, that in a short time they will not only ingrosse Trade among themselves; but will bee able to direct the benefit hereof to other places; whereas it seemes to bee the Interest of yor Ma<sup>tie</sup> to keepe yor own Trade, especially that of the Plantations, in the hands, and management of yor own Subjects only; that the whole Proceeds, and Profits thereof, may flowein hither, and that the Trade of the Plantations might bee carryed on, by the expence of the Manufactures and the employment of the encrease of the Navigation of these yor Ma<sup>ties</sup> Kingdomes. On the other side ye Planters as earnestly doe vrge that the admission of

ye Jewes, or any other Accession of a free Trade with other Nations, will tend exceedingly to the comfort and advantage of all yor Maties Collonies, and consequently to the benefitt of yor Matie and of Trade: especially if a freedom of Trade, and of Persons bee admitted, wth Due Cautions and Provisions by wch it will not bee difficult to shutt out many of those Evills & inconveniencies went the English Merchants doe pretend and crve out against, & whilst (it is said) they principally aime at the appropriating that whole Trade to themselves, and the necessitating the Planter to accept such Prices and Conditions as they shall think fitt to impose vpon them, and in the mean while the Planter paies much dearer for his Provisions, Vtensills, and Cloathing: and the growth of the Plantations doe still fall in their value, and Trade it self shrinks, and becomes less considerable; wch would bee better kept vpp and ballanced if the stocks, industrie and dexteritie of the Jewes and other Straungers were admitted among them.

The severall Argumts in these Cases, being plausible, and of greate weight, this Councell hath not thought fitt to proceed to the giveing any Judgment vpon the conveniencie or Inconveniencie of admitting Jewes into yor Maties forreigne Collonies Butt doe humbly offer to yor Matie that these three Jewes, that are petitionrs to yor Matie may bee considered as soe many single Persons; recomended to yor Maties Grace and favour by the King of Denmark; such as have with good Testimonie from diverse of this Councell, behaued themselves well, and with generall satisfaction many yeares vpon Barbados, and such as by yor Maties Royall Authoritie and especiall Lycence, (if yor Matie shall thinke fitt) may bee permitted to reside in Barbados, or any other of yor Mattes forreigne Plantations without any Publick offence or Inconvenience, they duly conforming themselves to the Lawes and Government vpon the place; and such Regulation of Trade, and Comerce, as shall from time to time bee provided and directed by yor Matie

[Signed] PHILIP FROWDE

[Endorsed] Report from the Councill of trade concerninge Jewes in the Barbados.\*

#### APPENDIX III.

[Domestic. Charles II. Docquet 1660 to 1661.]

24th of July 1661

A Denizacon granted to Daniel Bueno Henriques M<sup>r</sup>chant Native of Sivile in Spaine & now Resident in the Barbados, whereby he is invested w<sup>th</sup> the priviledges belonging to a free denizen. Provided, that he yeild obedience to the Lawes of this kingdome, & pay such Customes as Aliens doe. Subscr by S<sup>r</sup> Phillip Warwick vpon Significacon of his Ma<sup>ts</sup> pleasure vnder his Signe manuall. Procur vt supra. [i. e. by M<sup>r</sup> Secr Nicholas]

### APPENDIX IV.

[Colonial Papers. Vol. 15, No. 74.]

Iacob Ieosua Bueno Enriques de Nasion Ebrea q'a uiuido en Iamaicas en la Punta de cagoe cosa de dos años e en este tiempo uinieron Las Bocaines franseses de Sto Domingo e fueron a casar en la dicha Isla trugeron alcunos Prisoneros Espagnioles entre los quales truxeron vno per nombre Domingo Frano Platero Morador de dicha Isla e dicho andando libremente & la Punta de Cagoe uino a mi casa algunas ueses e preguntandole & cosas de la Isle me dio & relasion q' en vna parage auia vna mina de cobre la qual dicho Platero estaua en tiempo de los Espagnioles po la fabricar & quante auia echio la espeiensa y la allaua buena e en este tiempo uinieron los Ingleses y tomacon dicha Isla y dicho me dio relasion de la Parage mas Io non pude ir tirar la muestra de dicha mina & quante andauan los enemigos en la

<sup>\*</sup> At the foot of the first page of the original manuscript is written: "rept of Councell of Trade abt Jews in Barbados."

Campagnia en a quel tiempo en dicha Isla y tambien & no ser descubicite asta uenir a Ingalatera a tomar lisensia po uer el modo de la fabrica e queriendo Io procurar la lisensia uino a la notisia de Melor Belemi en como Io tenia dicha relasion e me mande allamar & vn' Ebreo & nombre Manoel da Fonsecca q' sta oy en Londres en Casa del Embàgador d Espagnia & Interprete po saber ablar la lengua Inglesa e uiste la relasion q' Io la edado e enformasiones q' tenia mias queria aser concierte con migo en q'allase vno dicha mina come era & relasion q' fuese a Iamaicas e q' su Magesta lo asia General de la America y non de Iamaicas mas q' el al Canseria de su Magesta g Io tubiese las libertades e tieras q' quisiese e q' me daria negras bastantes po aser plantegas ho lo q' Io quisiese, e dicho Belem asia todos los gastes e me daua libre de costes el terso de lo q'se sacase I se scallasen las minas las fabricara con la misma conformida en este tiempo salio vn Aute del Parlamento en come todos los estangeros no pudiesen ir a negosiar en las conquistas de Ingalatra sin star naturalisado e tambien los mercadeles de Londres me tieron muchas petisiones po uer q'los Ebreos q' stauan en la Tieras del Dominio de su Magesta saliesen con q' tome resolusion po uenir uer la Italia segun la Relasion q' Io tengo si su Magesta me diese lisensia q' uaya a dicha Isla de Iamaicas a mis costes a uer si puedo descobrir dicha mina e siende q' la descubra q' la pueda fabricar ho uender dando a su Majesta dies per siente e q' las tieras q' stubiesen al Ieredor naide pueda uenir abitar en Espagnia de dusientas acas asiendome su Magesta naturalisar a mi e a mis Ermanos Iosef, e Moise Bueno Enriques e q' puedamos usar de nuestra Ley e tener Sinagogas confirmadia per el Parlamento e se su Majesty se quiese enformer de mi p sona lo puol aser del General Dall e mas ofisiales q'en a quel tiempo dell Anno de 1658 he 59. Stauan en dicha Isla en como uiuia onradamte Z en Iamaicas millamauan los Ingleses el Iudio franses & tener mucha comunicasion con dichos Franseses y para mas enformasion la podra dar vn Ingles & nombre Pedro

Piuo q' era Tesoreio en a quel tiempo en Iamaicas & saber q' el dicho Domingo franº me dio la Relasion de dichas minas—&c.

IACOB IEOSUA BUENO ENRIQEZ

[Endorsed] Proposalls from a Iew Concerning a Copper Mine in Iamaica.

Also Iamaica Without Date

# [TRANSLATION.]

Jacob Josua Bueno Enriques, a Hebrew, who lived in Jamaica in the Punta de Cagoe, about two years, and at this time the French buccaneers came from San Domingo, and went to hunt in the said island, and took some Spanish prisoners, amongst whom was one named Domingo Francisco Platero, inhabitant of the said island. Being set at liberty, he came several times to my house at Punta de Cagoe, and on asking him various things about the island, he informed me that there was in a certain place a copper mine, which the said Platero used to work during the time of the Spaniards, and when they had experimented with it and found it productive, the English came along and took possession of the said island. This same man informed me of the whereabouts of this mine, but I was not able to go to draw a design of the said mine, because the enemy were going into a company at that time in the island. Not being able to discover it before coming to England and obtaining permission to see the manner of manufacture, and wishing also to obtain permission, it came to the knowledge of Mylord Belemi that I was in possession of the said story, and he advised me to call on a certain Hebrew, named Manuel de Fonsecca, who is an interpreter, and is now living in London in the house of the Spanish ambassador, learning the English language. Hearing my story and all the information I could give him, he wished to act in concert with me, and

that one should find the said mine through the information given and should go to Jamaica, and that Your Majesty should make him General of America, and not of Jamaica, besides the high chancellor of Your Majesty; that I also should have all the freedom and lands that I should desire, and that I should be provided with sufficient negroes to form whatever plantations I may think fit, and that the said Belemi should stand all the expenses, and give me free of cost a third of what I should draw out. If the mines should be opened, I would work them in conformity to the above. At this time an Act of Parliament decreed that no foreigners could do any business in the conquests of England, without first becoming naturalized. In addition to this, the merchants of London made petitions to the effect, that all the Jews who were within the boundaries of Your Majestv's kingdom should be ejected. Accordingly I determined to come and see if I could not, with the information I possess, obtain from your Majesty permission to go to the island of Jamaica at my own expense, and see if I could discover the said mine, and if it should so happen that I discover it, and can work or sell it, giving to Your Majesty ten per cent.; also that of the surrounding lands nobody from Spain should inhabit more than 200 acres. Moreover, I petition that you naturalize myself, my brothers Joseph and Moses Bueno Enriques, and that we may follow our laws, and have synagogues conformable to the decrees of Parliament. If Your Majesty should wish to be informed of my character, it can be done through General Dall and other officials, who were in office at that time, from 1658 to 1659, in the said isle where I lived honorably. In Jamaica the English used to call me the French Jew, and for further information you can see an Englishman, named Peter Pino, who was a banker in Jamaica, and learn that the said Domingo Francisco gave me the information about the mines, etc.

JACOB JOSUA BUENO ENRIQU<sup>ez</sup>.

### APPENDIX V.

[Calendar of British State Papers. Colonial Series, 1661-1668, No. 744, p. 212.]

May 25th, 1664. Jamaica. Letter of Lieutenant Colonel Thomas, President of the Council of Jamaica, to Secretary Lord Arlington . . . . The gold-finding Jew, Senr. Abram Israel de Pisa, has sailed for England, and left here ore and directions to find the gold, but we are all infidels, because the miracle is to be wrought in our country; we believe he has really found and cured some little of vanilla and pimenta.

### APPENDIX VI.

[Colonial Papers. Vol. 18, No. 79.]

To the Kings most Excell<sup>t</sup> Matie

The humble Petičon of Benjamin Bueno De Mesquita of the Portuguiz Nacon Merchant now Resident in the Isle of Jamaica.

Sheweth

That whereas by a late Act of Parliament made in the 12<sup>th</sup> yeare of yo<sup>r</sup> Ma<sup>te</sup> Raigne, yo<sup>r</sup> Pet<sup>r</sup> as a forraigner, is prohibitted from tradeing in those yo<sup>r</sup> Ma<sup>te</sup> Plantacons to his vtter ruine he haueing all his Estate there; And yo<sup>r</sup> Pet<sup>r</sup> being of an humble dutifull & loyall affeccon, to yo<sup>r</sup> Ma<sup>te</sup> & yo<sup>r</sup> interest, & ready & willing to take y<sup>e</sup> oath of Allegiance.

Most humbly prayes yor Ma<sup>tie</sup> will be gratiously pleased to Grant him yor Lr̃es Pattents, for the makeing of him yor Ma<sup>te</sup> Free Denizen, & because of his now absence, the Pattent may be so drawne, that he may there take the Oath of Allegiance, before whomsoeuer yor Ma<sup>tie</sup> shall please to appoint.

And he will euer pray &c.

At the Court at Whitehall June 23, 1664. His Ma<sup>ty</sup> is graciously pleased to referre this Peticon to M<sup>r</sup> Attorney Gřall, to consider of y<sup>e</sup> request and certify his Ma<sup>ty</sup> what he thinkes fitt for his Ma<sup>ty</sup> to doe in it. And then his Ma<sup>ty</sup> will declare his further Pleasure.

HENRY BENNET

May it please your Mat

In obedience to your Ma<sup>ties</sup> referrence vpon this Peticon I have considered thereof and doe humbly conceaue that your Ma<sup>ty</sup> may legally make the Peticon<sup>r</sup> a Free Denizen by your Lett<sup>rs</sup> Patents if you bee soe graciously pleased w<sup>th</sup> a provisoe in the Lett<sup>rs</sup> Patents that they shalbe of noe aduantage to him vntill he hath taken the Oath of Allegiance before some person authorised by your Ma<sup>ty</sup> to giue him the same

5° July 1664. W<sup>ch</sup> is humbly submitted &c.

G PALMER

[Endorsed] The Peticon of Benjamin Bueno De Mesquita.

[ Warrant Book, Dec. 19, 1662, to May 8, 1675, or Domestic Entry Book, Chas. II, Vol. 14, p. 58.]

To the Governor Jamaica. Beginning as the former Letter\* vntill you come to these words. The forementioned vndertaking or otherwise. The names of the Jews vpon this Our Island of Jamaica are Beniamin Bueno de Mesquita with his two sons, Abraham Cohen, Jacob Vlhoa, Abraham Suarez: The rest of that Confederacy not here named who received benefit from our forementioned Patent the said Sir William Davidson will hereafter notify vnto you. . . .

## APPENDIX VII.

[Colonial Entry Book. Vol. 110, page 7.]

Solomon Gabay Faro & David Gomes Henriquez recomended to S<sup>r</sup> Thomas Modiford

Tr. & Welbd. Wee greet you well.

<sup>\*</sup>See Appendix XVII.

Whereas Salomon Gabay Faro and Dauid Gomes Henriquez, two Aliens borne, are by Our late Lres Ptents made free Denizens of Our Kingdome of England, to have, receive & enjoy all — priviledges & imunities as other free Denizens doe And whereas some considerable Merchants Our Subjects (who suppose it may be for the benefit of ye Colony) haue humbly desired Our Lres Recommendatory unto you on ye behalfe of ye forenamed 2 psons; Wee are graciously pleased to condescend unto yt yr request; and do accordingly hereby Recomend ye said Salomon Gabay Faro & D. G. H. unto you, yt as long as they behaue themselues well and fairly, you suffer ym & either of ym to remaine upon yt Our Island of Jamaica and to trade there, wth freedome & wthout molestacon, & yt upon any lawfull occasion you afford ym all just fauour & assistance. And so Wee bid you farewell. Given &c Iuly 3d 1668.

By his M. cd

W. M.

To Our Tr. & Welb<sup>d</sup> Sir Thomas Modyford Bar<sup>t</sup> Gouernor of Our Island of Jamaica

## APPENDIX VIII.

[Calendar of British State Papers. Colonial, 1669-1674, No. 570, p. 234.]

June 22nd, 1671. Whitehall. Warrant to the Clerk of the Signet. To prepare a Bill to pass a Great Seal for making Abraham Espinosa, of Jamaica, merchant, an alien born, a free denizen of England; with a clause that he shall have no benefit thereof until he has taken the oaths of allegiance and supremacy before the Governor or Deputy Governor of the island.

### APPENDIX IX.

[Ibid., No. 697, pp. 298-300.]

Dec. 17, 1671. Jamaica. Sir Thomas Lynch, Governor of Jamaica, to Secretary Lord Arlington. The Spaniards

carried into St. Jago one of our ketches from New York, wounded some of the seamen, robbed all and then dismissed her; but she has had harder measure here, for being a Jew's, the merchants informed against her, and she was condemned for a foreigner, though the vessel, master, seamen and goods were English. Sent Mr. Slingesby a petition of divers merchants against the Jews, but he supposes they will not be expelled, for there are but 16 without patents of naturalization, and in Lynch's opinion his Majesty cannot have more profitable subjects than they and the Hollanders, for they have great stocks and correspondence: are not numerous enough to supplant us, nor is it to their interest to betray us. Cannot find any but Jews that will adventure their goods or persons to get a trade. Hopes we shall do as much as will keep up the credit if not enrich the island by keeping the peace and obliging them. Possibly they may come to connive at some little underhand trade, whereby they get more than we.

Believes it may be better than a public and open trade which would infallibly destroy that we have with Spain. But should it be impossible to steal into any kind of correspondence with them, yet conceives it against the island's interest to make war. . . .

What falls heaviest on them is the blasting of their cocoa; fear most of the old trees will die as in San Domingo and Cuba; yet hopes to pick up a few nuts for the King and his Lordship, with a bunch or two of vanillas; and hopes to send his Majesty some off his own land, for he is sending a Jew to the inland provinces where the vine grows to see whether he can cure any.

## APPENDIX X.

[Ibid., No. 777, p. 340.]

Mar. 10th, 1672. Jamaica. Sir Thomas Lynch, Governor of Jamaica, to the Council for Trade and Plantations. Long since begged orders about the Jews and Hollanders

that came to plant, whom he considers it is the interest of the island to encourage, as they have great stocks, no people, and aversions to the French and Spaniards.

#### APPENDIX XI.

[Colonial Papers. Vol. 28, No. 63.]

To the Right Honorable S<sup>r</sup> Thomas Lynch K<sup>nt</sup> his Mat<sup>ies</sup>
Leif<sup>t</sup> Gouerno<sup>r</sup> & Comander in cheife of this Island of
Iamaica, & Vice=Admirall to his Royall Highnesse the
Duke of Yorke &c.

That whereas yor Honors Petrs have to their great Content & Satisfaccon observed ye infinite Care yor honor euer since yor comeing hither hath beene pleased to take, To incourage those yt Adventure to this Island, & to remove all those thinges weh might in ye least hindr or obstruct ye Advantage of his Maties good Subjects, Soe yt being fully satisfied & assured, That yor Honors Care reaches & respects not onely psons, But likewise ye int'rest of yor poore Petrs, Wee are imboldened to informe yor Honor of those prjudices & inconveniences, wch Doe not onely at present Accrue to us, But Likewise more & more doe Threaten vs; & ye infinite Number of Iewes weh daylie resort to this Island & Trade amongst, contrary to all Law, & Policy; There being a possitive Act of Parliamt wen giues a generall proscripcon to ym all, & since yt severall others have beene made, to forbidd Possitively any Aliens to sell any thinge by retayle, & vnless it bee Three or foure amongst ym Whoe haue obtained their Lrs of Denizacon the others ought to bee respected & vsed as Aliens, they haveing hitherto onely Traded vnder ye coullr & Countenance of ye rest.

The great mischeife w<sup>ch</sup> wee suffer by y<sup>m</sup> is, That their Tradeing is a perfect Monopoly, For they are a kind of a Company, & Trade w<sup>th</sup> a joynt Stocke, Whereby they allwaies Comand ready money, & by y<sup>t</sup> meanes doe not onely allwaies buy y<sup>e</sup> choicest & best goods, but frequently whole

Cargoes, & if yo<sup>r</sup> Hono<sup>rs</sup> Pet<sup>rs</sup> have at any time a share w<sup>th</sup> y<sup>m</sup> They will certainely vnd<sup>r</sup> sell y<sup>m</sup> though to their owne Loss, w<sup>ch</sup> They can better beare because of their penurious way of Liueing; But by these Arts at last they gaine Excessively, & gives y<sup>c</sup> whole measure to y<sup>c</sup> Trade themselves, & if y<sup>c</sup> Ballance should bee Continued there, How much all y<sup>c</sup> English M<sup>r</sup>ch<sup>ts</sup> (& indeede y<sup>c</sup> whole Island) will in a short time suffer, may Easily bee app<sup>r</sup>hended.

Yor Honor haueing vissited in yor Trauells ye most Considerable Tradeing Cittyes & places in Europe &c. Cannott but bee Sencible of these Truthes; And how this sorte of People doe Ingrosse to y<sup>m</sup> selues the whole Trade where they are, w<sup>ch</sup> must needs bee ye same in a place of soe smale a Trade as this, & where there is such a Number of y<sup>m</sup>.

And wee doe further begg yor Honors leaue to make this farther Remonstrance of or Complt, That ye great Inducemt of or removeing of or selues hither, was the Princely care his Matye did allwaies take of ye peopleing & setleing of his American Collonies & for ye better doeing of itt, hath seemed to intend, That ye whole profitt & benefitt of those places should bee reaped by his owne Subjects; weh Intencons & designe very much apprs in ye Acts of Navigacon, But more cleare & plainely by those severall Treaties of Comerce, & Trade, weh his Maty has lately establish't amongst his Neighbours.

And wee doe Humbly beseech yo' Hono' to Consider further, That, These persons remoued y'selves hither from none of his Mattes Dominions, Meerly invited by their Lucre & designe, & what assurance can there bee of their fidelities, who liue vnder noe obligacon of Duty & Alleigance, & can never bee supposed to regard or p'serue Either of y' any long' then their owne private int'rest & Advantage Leads y' to it.

And Although their Tradeing amongst vs makes a noyse, & seemes to give some kind of Creditt & reputacon to ye Island; Yet ye Kingdome of England receives noe benefitt,

because All their Merchandises are brought Directly from Holland where they will againe (certainely) Transport y<sup>m</sup>selues, w<sup>th</sup> all y<sup>e</sup> Gayne & Advantage They shall haue made of this place, & how much y<sup>e</sup> Island wilbee Drayned by That, & all his Ma<sup>ties</sup> Subjects suffer in it, may Easily be apprehended & foreseene.

Premisses being therefore Considered, Yo<sup>r</sup> Pet<sup>rs</sup> doth Humbly Pray, That y<sup>r</sup> Hono<sup>r</sup>, & Honorable Councell, will please onely to allow those y<sup>t</sup> are Tollerated to Trade by his Ma<sup>tye</sup> by wholesayl, & not by retayle, As all of them at present doe, & forbidd y<sup>e</sup> remainder, According to y<sup>e</sup> wholsome Lawes of England in y case, made & prouided.

And yor Petrs shall euer,

Pray &c:

[Signed] Tho: Skutt, Henry Standish and twenty-nine others.

[Endorsed] The Originall Petition of the Merchants at Port Royall to S<sup>r</sup> Tho Lynch concerning the Jews. &<sup>c</sup>.

Read in Councill. 11th June. 1672.

B. A P. (8)

[also] The Humble
Petition of the M<sup>r</sup>chants
of
PORT ROYALL

## APPENDIX XII.

[Colonial Entry Book. No. 94, p. 97.]

To the Kings most Excellent Ma<sup>tie</sup>

The Opinion and humble advice of your Ma<sup>ties</sup> Councill of forreigne Plantations.

May it please your Matie

Vpon perusall and Consideration of several Letters Peti-

tions and Complaints, sent and delivered vnto vs, concerning the affaires of your Maties Plantations in America

Wee have in Discharge of our Duties, and for the better Setling and securing the Trade and Navigation of your Maties Subjects, and your Interest in those Resolved, and doe humbly offer vnto your Matie for your Consideration, the Propositions following

First In Relation to Iamaica That for the better setling and Improoving of your Mattes Island of Iamaica, due Encouragement may be given to the Iews, the Dutch, and other

Nations to settle and inhabite there.

The 2<sup>d</sup> of Iuly, 1672

RICH GORGES

H BROUNCKER

Jo Finch

ED WALLER

H SLINGESBY Secrety SILIUS TITUS\* Io EVELYN

## APPENDIX XIII.

[Colonial Papers. Vol. 29, No. 5011.]

Co<sup>H</sup> Lovelace Certificate

Francis Lovelace Esq<sup>r</sup> One of the Gentlemen of his Maties Honoble Privy Chamber and Governour Generall under his Royall Highnesse Iames Duke of Yorke, and Albany &c of all his Territoryes in America. To all to whome these presents shall come sendeth, Greet-

The Govern's Seale

Whereas the Bearer hereof Rabba Couty hath for severall yeares lived and trafficked as a Merchant in their Citty, and Province, and hath also been subject to pay Scot and Lott

<sup>\*</sup>Sic for Silas.

as a Burgher of this Citty, And hee being now bound from this Port to the Island of Brbados in the Ketch Tryall. These are to require all persons within this Government, and to desire all others that they permitt and Suffer the said Rabba Couty to passe from this place in the said Ketch Tryall whereof William Merrett is Master, together with the goods, Passengers, Shipps Company, and Merchandize unto the said Island of Barbados, or Parts adjacent within his Ma<sup>ties</sup> Dominions, and to returne againe to this Port about his Occasions without any manner of Lett, hindrance, or Molestation whatsoever.

Given under my hand and Seale at Fort James in New Yorke this 16<sup>th</sup> day of August in the 23<sup>d</sup> yeare of his Ma<sup>ties</sup> Reigne Annoq. Domin 1671.

FRANCIS LOVELACE

Recorded by Order of ye Governour

MATTHIAS NICOLLS, Secrety

B G P. 3.

Endorsed 16<sup>th</sup> August 1671
Coll. Lovelace Certificate 31

Entered

[Ibid., No. 501.]

Copy of y sentence of Condemnacon abt Rabba Couty's Vessell.

Pleas & Proceedings of ye High Cort of Admiralty by vertue of a Com<sup>n</sup> from ye honoble Sr Thomas Lynch Port Royall Knt vice Admirall to his Highness James Duke of Yorke held before ye honoble Wm Beeston Esqr Cheife Iudge of ye same Court ye 23d day of Novembr 1671

Bee itt remembred y<sup>t</sup> at this Co<sup>r</sup>t holden before y<sup>e</sup> hono<sup>ble Jamaica</sup>. W<sup>m</sup> Beeston Esq<sup>r</sup> Cheife Iudge of his Ma<sup>ty's</sup> High Court of locus Admiralty established for this Island came Edmund Ducke Esq<sup>r</sup> Attorney Gen<sup>r</sup>all of our Sou<sup>r</sup>aigne Lord y<sup>e</sup> King who as

well for ye right honoble ye Governor of this Island ye honoble Leiftennant Coll Robert ffreeman as for our said Soveraigne Lord ye King & exted his Libell agt ye Ketch Tryall Rabba Cuty Master as also agt her Gunnes furniture Tackell amunicon & apparell And as also against all her Lading goods & comodity's whatsoeu in her imported And setteth forth that by an Act of Parliamt made in ye twelveth yeare of the reigne of our said Lord ye King that now is intituled an act for ye Encrease of shipping & Encouragemt of ye Navigacon of this Nacon Itt is there Enacted That from & after ve first day of December 1660 and from thence forwards noe goods & Comodityes whatsoeur shall be imported into or exported out of any Lands Islands Plantacons or Territory's vnto his Matye belonging or in his possion or which may hereafter belong vnto or be in the possion of his Matye his heires or Successors in Assia Affrica or America in any other Shipp or Shippes Vessell or Vessells whatsoeur butt in such Shipps or Vessells as doe truely wthout fraud belong only to the people of England or Ireland Dominion of Wales or Towne of Berwicke vpon Tweede or one of them built of & belonging to any of the said Lands Islandes Plantacons or Territories & right Owners thereof & whereof ye Mar & three fourth parts of y Marriners thereof att ye least are English vnder ye penalty of ye forfeiture & losse of all the Goodes & Comodity's which shall be imported into or exported out of any the aforesaid places in any other shipp or Vessell as also of ye ship or vessell wth all itts Gunns, furniture, tackle, amunition & apparell. One third part thereof to his Matie his Heires, and Successors. One third part thereof to the Governour of the Land, Plantation, Island or territory where such default shall be Committed in case the said Ship or goods be there seized otherwise that part also to his Matie his Heires, and Success and the other third part to him or them who shall Seize, informe, or sue for the Same in any Court of Record, by Bill information, Plaint &c. where noe protection, or Wager of Law, Essoigne &c. to be allowed

Now the said Edmund Duck further setteth forth that the said Rabba Couty did since the said first day of Decembr in the said Act Lymmited import and bring into the Said Harb. of Port Roy" in this Island of Jamaica, the said Ketch the Tryall laden with Commodityes, when the right Owners of the said Ketch were not English, Nor the Master, and three fourths of the Mariners English which is contrary to the said Act. Wherefore the said Edmund who as well for our said Soveraigne Lord the King, as for the said Governour of this Island, and the Honoble Lt Coll. Robert Freeman humbly desireth of this Honorable Court, That the said Rabba Couty, or any other Pretender to the said Ketch, and her lading may be Cited to appeare when this honoble Court shall appoint And that the said Act be putt in Execution, and Judgement Given, as well on the behalfe of Our Soveraigne Lord &c. as the Case shall require &c.

Whereupon the said Rabba Couty being Cited, and upon reading the said Libell, It being demanded by the Court, what hee the said Rabba Couty had to say for himselfe why the said Ketch Tryall with all her Tackle, and furniture, as also her lading in her according to the Act of Parliament in that case, made, and provided, should not remaine forfeited as aforesaid.

It then plainly appearing to the Court by the Confession of the said Rabba Couty, that hee was noe Denizen, and that two thirds of the said Ketch was his owne, and most part of her lading in her.

The Court did thinke fitt thereupon to proceed to Judgement Whereupon It is adjudged by the Court, that as well the said Ketch with all her Tackle, furniture, and Apparell, as also her ladeing, and Cargo in her shall bee, and remaine, and are hereby forfeited, according to the Act aforesaid in such Case made and provided.

In testimony whereof wee have Caused the Great Seale of the High Court of Admiralty to be hereunto affixed. As Witnesse Reginald Willson Esq<sup>r</sup> Register of the Same Court.

REGINALD WILSON

Exd pme

Couty
23<sup>d</sup> Novemb<sup>r</sup> 1671
[Endorsed] Coppy of the Sentence of
Condemnation about Rabba
Couty's Vessell

B. G. P. 2.

[Colonial Papers. Vol. 29, No. 50.]

To the Kings Most Excellent Majestie.

The humble Petition of Rabba couty Marchant. Most humbly showing

That yor petitioner hath lived in ye Province and cittey of New Yorke, as one of yor Majesties Subjects these maney years, and hath paid Scott and Lott, and is a burger of ye cittey; That hee had a passe from Collonell Louelace gouerner Generall under his Royall Highnesse, certifieing as much, dated at fort Iames in new Yorke the 16: August 1671: and ye Said gour did in ye Said passe moreouer under his hand and Seale giue unto the Said Rabba Couti yor petitioner License to Traffique in ye Ketch, called ye Tryall to ye parts of ye West Indies within yor Majts dominions that hee in confidence of ye Validitey of ye Said passe and knowing himselfe to bee your Majts Subject & Liegeman did Sayle with his Said Shipp and Lading to Iamaica where at Port Royall his Ship was confiscated by a Sentence of William Beeston, esqr chiefe Iudge of ye Admiraltie upon colour of an Act of Parliament entituled an Act for ye encrease of Shipping &c: upon pretence that your petitioner was not Denizen; Although hee had formerly traded to Iamaica without Suffering aney molestacon, upon that pretence and

that hee is informed by his councell learned in the Law, that besides his trading bene fide, in confidence of ye Validitey of his passe, and his having traded freely in former tyme which ought in equitey to protect him from being utterly undone upon a puntillo in Law, which hee could not foresee: hee is further informed, that in Stricknesse of Law, Territories that accrue by acquest and Soe become Subject to a prince doe enjoy the priviledges of Natiues and ytt it was So held by. all the learned Councell and Iudges of England in ye grand Argument about ye Postnati all which the Judge of ye Admiraltie there not knowing or not weighing as hee ought to haue done condemned ye said Ship and Lading by his Sentence bearing date 23: of Nouembr 1671: which Sentence the gouernour Sr Thomas Linch Seemed to bee doubtfull about, and Shewed much compassion to yor petitioner as appeares by a note under his hand and told him ytt if hee could procure upon his addresse to yor Maj<sup>te</sup> a word from yor Maj<sup>te</sup> by ye Secretarye of State in his fauor, hee the Said Gour would cause yor petitioners Ship to bee restored to him and did then order him some money for to beare his charges into England. The Said Shipp and goods having binn condemned without a court of Record, neither by Sentence of a Iury as ye Law Requireth Soe ytt yor Petitioner cann make out ye Losse aboue £1200, as appeares, by ye Shipp and goods ye Same being Vallued to £300, and ye goods were not Sold according to Law, but were deuided amongst they as were the Iudges, whome made themselues Proprietors. Your petitioner thought it good, to Returne to new yorke first and bring with him besides his Resaid passe further certificates under ye Gouernour Collon<sup>11</sup> Louelaces hand and Seale manifesting his innocency and the Truth of his allegacons, which hee hath Readey to produce; Hee doth moreouer humbly represent to yor Majte that all the Ships loading was prouision of Victualls, wen in all cases, have a particular fauour aboue other Marchandize upon tender consideracon of

the Premises and that hee is vtterly undone hauing nothing to Liue upon, but ye charitey of well disposed people, the Said Ship and Lading being all the Greatest part of his Substance, his most humble petition to yor Majestie is that you would bee graciously pleased to putt ye Truth of his Allegacions in Such a Sumary way, of hearing and examinacon before yor Majts Councell of Plantacons, that hee may haue some order to ye gouernor of Jamaica for ye Restoring of his Ship and goods, which is according to the inclinacon of ye Gouernor though himselfe bee concerned in the Share of the Forfeiture And though hee thought not fitt to ouer rule the Rigouor'os and mistaken Sentence by his owne Authoritey yett did incourage yor Petitioner to make his humble addresse to yor Majte. which hee now doth, imploring yor Majts compassion in affording him Speedey Reliefe &c.

And as in Duty bound hee shall euer pray

## At the Court at Whitehall Nov<sup>r</sup> 15<sup>th</sup> 1672

His Ma<sup>ty</sup> compassionating the petr's condicon is graciously pleased to referre his request to the Councill of trade & plantacons to examine the petr's Allegacons & report to his Maj<sup>ty</sup> What they conceave he may fitly doe for his releefe, & upon their report his Ma<sup>ty</sup> Will declare his further pleasure.

ARLINGTON.

[Endorsed] Couty peticon
Rabba Couty.
read in Councill the 20<sup>th</sup>. of
Novemb<sup>r</sup> 1672.
Bundle. G
Paper. 1.
Enterd. Book. D.

[Ibid., No. 50111.]

### Coll Lovelace's Certificate

The

Francis Lovelace Esq<sup>r</sup> One of the Gentlemen of his Mate Honoble Privy Chamber and Governour Generall under Gover's Seale his Royall Highnesse James Duke of Yorke and Albany &c. Of all his Territorys in America,

Doth by these presents declare and Certify at the request of Mr Rabba Couty, that the Ketch Tryall in the which hee went to Jamaica, and was there condemned and Confiscated, was an English built Vessell, and that the Master, and Mariners were likewise English, or Soe many of them as are required to Sayle according to the Act of Navigation And also that the said Rabba Couty hath been for severall yeares a Free Burgher of this Citty, wherein hee hath been lyable unto, and likewise hath paid Scott, and Lott as other Freemen of the place have done.

In testimony whereof I have hereunto sett my hand & Seale att Fort James in New Yorke on the Island of Manhatans this 14th day of May in the 24th yeare of his Mat Reigne Annog. Domini 1672.

FRANCIS LOVELACE.

To all whome these may concerne.

The Names of the Master, and Saylers Wm. MERRITT Master. Couty. Jon Geffrayes Mate. [Endorsed] 14 May. 1672. Jon Wilson Coll. Lovelace his Certifi-Jon FAYRECLOTH Mariners. GEORGE SPURRE cate B. G GILBERT ----P. 4 Jon ATKINS

Enter

[Ibid., No. 501V.]

Copy of the Report from the Councill to his Ma<sup>ty</sup> ab Rabba Coutys Vessell.

To the Kings most Excellent Matie

May it please your Matie:

In obedience to your Ma<sup>ties</sup> Order of Reference of the 15<sup>th</sup> of Novemb<sup>r</sup> last, requiring Us to examine the Petition, and Allegations of Rabba Couty Merchant, relating to a Ketch called the Tryall, which being Laden with Provisions from New: Yorke, and belonging to the said Rabba Couty was seized upon at Iamaica, and was with her whole lading and furniture condemned by a Sentence of the Court of Admiralty there, Wee humbly Certify,

That Wee have perused an Exemplification of the said Sentence, under the Seale of the said Court bearing Date the 23d of Novmbr 1671, and being informed that the person who gave the said Sentence in the said Court of Admiralty, (who is one Captaine Beeston then Commander of the Assistance Frigat) was himselfe here in Towne. Wee sent to speake with the said Beeston, whome having likewise heard. Wee doe from what appeares by the sayd Sentence itselfe, and what Wee have been informed from the said Captaine, Iudge the said Sentence to be grounded on a presumption that the said Rabba Couty being not an Englishman, but a Iew was for this cause to be accompted a Forreigner, And therefore in as much as it was confessed by the said Rabba Couty that the said Ketch with her Lading did belong unto himselfe, The said Captaine. Beeston did Condemne the sayd Ketch under pretence of its being forfeited to your Matie: by Vertue of the Act of Navigation.

Although by a passe or Certificate produced by the said Rabba Couty under the hand and Seale of Collonell Francis Lovelace his Royall Highnesse Governour of New: Yorke, and dated at New: Yorke the 16<sup>th</sup> of August 1671. Wee

find the said Governour Testifyeth, that the said Rabba Couty had for severall yeares lived, and trafficqued as a Merchant in the said Citty, and had also been Subject to pay the Dutyes there as a Burgher of the sayd Citty.

And further by a Letter written from S<sup>r</sup> Thomas Lynch your Majesties Lieutenant Governour of Iamaica bearing date the 28<sup>th</sup> of November. 1671 (which was suddainly after the said Sentence) and directed to Henry Slingesby Esq<sup>r</sup> Secretary of your Majestyes late Councill for forreigne Plantations, wee perceive that the said S<sup>r</sup> Thomas Lynch doth speake of the said Sentence as what Seemed hard to him, and the more in regard as hee informes that both the said Ketch was English built, and that the Master and Mariners of the said Ketch were all English.

Besides which the said Rabba Couty hath produced before Us also a 2<sup>d</sup> Certificate under the hand, and Seale of the said Coll. Lovelace, dated at New: Yorke the 14<sup>th</sup> of May 1672. wherein the said Collonell testifyeth that the said Ketch was an English Built Vessell and that the Master, and Mariners were likewise English, or soe many of them as are required to sayle the said Vessell according to the Act of Navigation, And further attests

That the said Rabba Couty had been for Severall years a free Burgher of the said Citty, and had paid the same Dutyes, that other Freemen of the said place had.

Upon the Consideration of which severall Certificates, And that the said Rabba Couty being an Inhabitant, and free Cittyzen of your Majestyes Plantations, is as we humbly conceive according to ye sayd Act to enjoy ye Benefitt of a free Denizen.

And for as much as the said Sentence appeares not to be grounded upon any Reason or proofe to the contrary,

Wee are humbly of Opinion that the said Sentence, and proceedings in the said Court of Admiralty were undue, and illegall, And that the said Vessell with her furniture and provision, or the vallew of it, ought to be restored to the said Rabba: Coutÿ.

All which is neverthelesse humbly submitted to your Majesty.

20th Decemb 1672.

ARLINGTON.
ROB. LONG.

SHAFTESBURY C. W. ALINGTON HUM: WYNCHE E<sup>D</sup> WALLER J. EVELYN.

[Endorsed] Couty
Coppy of the Report from
this Councill to his Ma<sup>tie</sup> about
Rabba Couty's Vessell.
Agreed the 20<sup>th</sup> Decemb<sup>r</sup> 1672.
and delivered to the Earle
of Arlington. 21<sup>th</sup>

[also] Report 1

To the Kings
demand
demands Satisfac

P. 5 Entered

BG

[Domestic Entry Book. Chas. II, Vol. 31, fo. 101 d.]

C. R.

Sr. Tho. Lynch

Tr. &c. Whereas Wee have been informed by the humble peticon of Rabba Couty Merch<sup>t</sup> that a certaine Ketch called the Tryall loaden With provisions from Newyorke & belonging to him Was some time since seized att Jamaica, & With her Whole lading & furniture condemned by a sentence of the Court of Admiralty there, under pretence of its being forfeited to us by Vertue of the Act of Navigacon on a presumption that the s<sup>d</sup> Rabba Couty being not an Englishman but a Jew Was for this cause to bee Accounted A forreigner: and Whereas the s<sup>d</sup> Rabba Couty did further represent unto us that he had been for severall years an inhabitant & free

burgher of the sd Citty Of Newyorke, & paid the same duties as other freemen of the sd place, & therefore humbly besought us that the sd Ketch her lading and furniture might bee restored to him: Wee having referred the examinacon Of this matter to Our Councill for trade & Our forreigne plantations, & being Well satisfied With their report & opinion that the sd Rabba Couty ought according to the sd Act to enjoy the benefitt of a free denizen upon the consideracon of his being an inhabitant & free Cittizen of one of Our plantacons, & consequently that the sd sentence & proceedings in the sd Court of Admiralty Were undue & illegall: Have thought fitt & doe accordingly by these presents signify Our pleasure to you & Strictly require you forthwith upon receipt hereof to give all necessary Orders for the restoring of the sd Ketch With her furniture & provision (or the Vallew thereof att the time of its seizure) to the sd Rabba Couty or his Order, And soe expecting yr exact & speedy complyance herein With Our pleasure Wee bid you heartily farewell. Given &c. Whitehall Decr 22th 72.

By &c.

ARLINGTON.

### APPENDIX XIV.\*

[Laws of Jamaica. London: Charles Harper, 1698, pp. 5-10.]

"An Act for, and towards the Defence of this Island.

AND be it further Enacted and Ordained . . . that the Nation and People of the Jews Residing within this Island, The Jews. Pay or cause to be Paid, towards the Raising of the said Sum of Mony before mentioned, and expressed to be Raised on the Inhabitants of this Island, over and above and besides the Tax as aforesaid Assessed, the full Sum of Seven Hundred

\*Title: The Continuation of the | Laws | of | Jamaica, | passed by the | Assembly, | and Confirmed by | His Majesty | in | Council | December 26th, 1693, etc.

and Fifty Pounds, Currant Mony of this Island, to be rated, Assessed, Taxed, Collected and paid in by Solomon Ararij, Jacob de Leon, Moses Toiro, Jacob Mendez Guteres, Jacob Henriques, Jacob Rodriques de Leon, Moses Jesurun Cardoso, Samuel Gabay, Jacob Lopes Torres, Isaac Coutinho, Isaac Nunes Gonsales and Abraham Nunes, or any Five of them, into the Hands of the Receiver or Receivers hereafter mentioned, Impowered and Appointed to receive the same, at, or within One Month after the Tenth day of June, which will be in the year of our Lord One Thousand Six Hundred Ninety Three, anything herein to the Contrary notwithstand-Case of Failure. ing. And in Case of failure in the Compliance of the said Payment,

BE it further Enacted . . . that the Sum of Two Hundred and Fifty Pounds more, besides the said Seven Hundred and Fifty Pounds above appointed to be Assessed on the Nation and People of the Jews abovesaid: That then it shall and may be Lawful for the Treasurer or Treasurers hereafter to be appointed by Warrant or Distress, under his or their Hands and Seals, Directed to the Constable or Constables for the respective Parishes where such Jew or Jews reside, to Levy or singly cause to be Levyed at Discretion upon the several Jews, Inhabitants of this Island, such proportional Sum or Sums as shall make up the Sum of One Thousand Pounds as aforesaid. And also if any of the Jews Rated or Assessed by the Persons above named, shall refuse to Pay the said Sum by them so Assessed: That then it shall and may be Lawful for the respective Justices in their respective Parishes, or within the Commission of the Peace for the same, where the said Jews reside, for so much as any of the said Jews are Assessed and Rated by the Persons abovesaid, who are hereby Impowred to Issue out their Warrant or Warrants to the respective Constables, to Distrain any of the goods and chattels of any of the said Jews that shall refuse or delay to pay the same; any Law, Custom or Usage to the Contrary notwithstanding.

AND be it further Enacted, that if the several Persons, or any of them of the Jewish Nation beforementioned, Impowered and Appointed to assess, levy, collect and pay in the aforesaid Sum, assessed upon the Nation of the Jews, shall neglect his or their Duty therein: that then it shall and may be Lawful for the Governor or Commander in Chief by Warrant under his Hand and Seal, . . . to Levy or cause to be Levied on all and every Person or Persons so Offending, One Hundred Pound currant Mony of this Island, or the value thereof upon his or their Monies, Slaves, Goods or Chattels, and sell the same by Publick Outcry, returning the Overplus, if any be, to the Owner; and in Case no Mony, Slaves or Goods are to be found as aforesaid, that then he take into Custody the Body of the Person or Persons so offending, and him or them in safe Custody keep, until he or they Pay the said Sume of One Hundred Pound for the said Offence; any Law Custom or Usage, or anything in this Act seeming to the Contrary notwithstanding."

Later in the same year, An Act for Raising Money as a farther Aid to their Majesties, for and toward the Defence of this Their Island of Jamaica, was passed, worded exactly in all respects as the one given above, except that it provided that the Jews be taxed one thousand pounds, to be paid within one month after December 10, 1693, with similar penalties for non-payment. This act was to raise £9473 14s. 4d. (Laws of Jamaica, ubi supra, pp. 66-67). The two acts above given were enacted at different sessions of the Assembly.

### APPENDIX XV.

[Laws of Jamaica. London: John Baskett, 1738, pp. 99, 100, 101.]

"An Act to encourage the Importation of White Men. 1703, No. 113.

XIII And be it further enacted . . . That all Jews that are or shall be hereafter Masters or owners of Slaves within

this Island, shall supply their Deficiencies by their own Nation, or by hired white Christian Men, and not by indented Christian Servants, under the Penalty of Five Hundred Pounds current money of this Island."

Paragraph VIII of this same act, which stipulates that in case servants are imported but are not disposed of after a stated time, the Collector or Receiver-General is to receive the servants and pay for them, provides further "That all such Servants, be not under the Age of Fifteen and not above the Age of Forty Years; and that no Convicts, Jews, Quakers, sick, decrippled or disabled Persons be within the Construction of this Act."

### APPENDIX XVI.

[Laws of Jamaica. London: John Baskett, 1738, p. 141.]

1711, No. 166.

"An Act for Regulating Fees.

§ CCLXXIII. And be it further enacted..., That no Jew, Mulatto, Indian, or Negro, shall be capable to officiate or be employed to write in or for any of the above Offices upon any Pretence whatsoever," under penalty of £100, half to go to His Majesty and half to the informer.

## APPENDIX XVII.

[Warrant Book, Dec. 19, 1662, to May 8, 1675, or Domestic Entry Book, Chas. II, Vol. XIV, p. 57.]

To the Lord Willoughby

Concerning the Jewes in ye Barbados Right Trusty & welbeloved Wee Greet you well.

Whereas Certaine Jewes hereafter named have vnder pretence of a Gold Mine within some of our plantations in y<sup>e</sup> West Indies and their Ability to discover and improve the same fraudulently induced vs to make them free Denizens of our Kingdome of England with power

to trade Every where, as our Native Subjects doe; And Whereas besides their abusing vs thereby, they have also very much wronged and damnified Our Trusty & welbeloved Servant Sr William Davidson Knt Baronet Gentleman of our Privy Chamber in Ordinary, drawing him to great expences and falsifying their Oathes and promises made vnto him, as Wee are informed: Wee have therefore thought fit to declare Our pleasure concerning the said Jewes, that their Patent of Denization so obtained from vs is and shall be esteemed and held as Void and frustrate to all intents and purposes, and that they shall not have or receive any benefit thereby, but Contrarywise that you cause them and every of them to make good Strangers Customes vnto vs (so far as the same may be recovered) for all the goods wherein they have traded upon Our Island of Barbados since they had Our said Patent and then to be banished off Our said Island never to reside or trade their againe without our Expresse and particular Order on that behalfe: And our further pleasure is, that before such their banishment or dismission, you oblige and cause them or some of them to satisfy the said Sr Willia Davidson or his Correspondents (whom hee shall appoint and signify vnto you in Writing) All the disbursements which hee shall make appeare hee hath layed Out for & vpon them in regard of their Transportation And the forementioned vndertaking or otherwise. And Whereas for their encouragement in the foresaid Work, Wee were pleased to bestow a Gold Chaine vpon One of them. Isaac Israel de Piso now residing vpon the Barbados, Our pleasure is, That you cause the same to be taken out of his Custody and returned to vs againe, such false and faithlesse persons bein altogether vnworthy to beare or retaine any such Mark of Our Royall favour. The names of ye Jewes vpon that Our Island of Barbados are the said Isaac Israel de Piso, Aaron Israel de Piso with his two Sisters, and two brethren Moses and his Mother Sent thither by Abraham Cohen; The rest of that Confederacy not here

named who receive benefit from Our forementioned Patent, the said Sir William Davidson will hereafter notify vnto you, But all ye particulars above Specified Wee recomend to your Especiall care, expecting an accompt thereof; And so Wee bid you heartily farewell.

Given at Our Court at Whitehall the first day of March

1664 in the Seventeenth yeare of Our Reigne.

By his Maties Comand

To our Rt Trus: & welbeloved

Francis Lord Willoughby of Parham Capt. Generall & cheife Governour of Our Islands called the Carybe Islands in the West Indies or to ye Comander in cheif of Our Island of Barbados for ye time being.

### APPENDIX XVIII.

[Calendar British State Papers. Colonial. 1661-1668, No. 1657, p. 530.]

Observations on the Island of Barbadoes. December (?), 1667. . . . The Jews not having like liberty as in the Dutch and French islands, have been very treacherous, discovering when the English were to embark against the French and Dutch and in the matter of the relief of Antigua; but the constant egress and regress of strangers there being seldom fewer than 60 or 70 sail of ships, not only deceives the Jews but the most ingenious inhabitants judge they are stronger than really they are.

## APPENDIX XIX.

[Colonial Papers. Vol. 23, No. 99.]

My Lord

I Heaue your Ex. most acceptable of the 13 instant which came yesterday first to my Hand thincking Strange wher it his beene so long for the Post ashured me that it was Put in his Hande the 20 instant I Heaue caused make all the

tryall I cane for thoes Scheps at my being at Amsterdam the lest weeck I gote tryall of two that ware ready to sate Saill for His Matys Plantationes to witt one Mr Retchard Bread keap of London Mr of the Schep caled the Matheu and Frances of London of Borden 300 ton or therabouts fully lodent for the accompt of the Iews of Amsterdam for the Barbados the Iews of Amsterdam Hes a grate trade for the Barbados wher they cheated me of a considerable Soume of money in the year 1662 & 1663 for the which His Maty was Pleased to give order to my Lord Willoughby to banish them of those Islands as your Ex: may see by this inclosed which was at that time Sent and Put into the hands of My Lord Willoughby for execution ther of, bot to this day nothing at all doone in the busines for they Heaue grate freedome and liberty in the Barbados and caries on a grater trade ther nor Very feu in England does, it Seems they are ritch and hes much money which makes them to be the better looked upon, ther is also at Amsterdam one other Schep named Sara and Mary 270 ton of bordine lodent for the Barbados for English and dutch mens accompts leiving at Amsterdam the Masters name is Edward Kirton junior of London they are nou booth Parted from the texell ther Heaue beene Severall other Scheps goeing that way this maney years bygone and still does with English and Yrish Passes Ther is a Persone at Amsterdam who hes promised me to get me one Perfect list and accompt of all the Scheps that hes comd and gone that way since the Peace was concluded at Breda, which when I Heave they shall be send your Ex: the Ieus of this Country Spoyels all the trade ther in the Plantationes.

In the time of the late war the King was graciously pleased to give me a licence for Six Scheps for those Islands I made bot ouse of one of them and finding I could do no good by that I retorned them all back againe to my Lord Arlington Presently after the Pace was concluded at Breda Heauing nothing else to enlarge bot where in I can do your

Ex: aney acceptable Service I shall be found willing to Pouer to remane

Your Ex

[Signed]

Dordrecht the 22 of Decemb 1668

Most Afecionat and humble Servant WILLIAM DAUIDSON

[Addressed]

A Son Excellence Monseigneur Temple Ambassadeur Pour Sa Mayte Le Roy de la Grande Bretagne Etc. aupres Mesis les Estats \* Generaulx des Prouinces unies

> A La Haye

[Endorsed]

Sir William Dauidson's letter concerning the

Sr Dauidson to Sr W Temple trade of these Country's R. 20, Dec. 68

to his Majesty's Plantations

Read in Councill, 23d Dr 1668

[Ibid. No. 98.]

At the Court at Whitehall the 23th of December 1668.

By the King's most Excellent Matie & ye Lords of his Maties most Honoble Privy Councill.

Vpon reading this day at the Board a Letter directed to Sr William Temple his Maties Ambassador to the States Generall of ye Vnited Provinces, wherein Informacon is given of two Shipps, vizt, the Shipp Mathew & Frances of London Richard Bread Master Burthen 300 Tunns bound for Barbados vpon the Account of the Iews at Amsterdam, As likewise the Shipp Sarah & Mary Burthen 270 Tunns Edward Burton Juñ of London Master Laden for the Barbados on English & Dutch mens Accounts liveing at Amsterdam, which are now passed from the Texell on their intended Voyage, It was therevpon Ordered (his Ma<sup>tie</sup> p<sup>r</sup>sent in Councill) That the Right Hono<sup>ble</sup> the Lord Arlington his Ma<sup>ties</sup> Principall Secretary of State, do Write to the Lord Willoughby Governo<sup>r</sup> of the Caribbee Islands, or in his absence to his Lieutenant or Deputy Governo that he seise the said Shipps, or any other that shall come to Trade in any of his Ma<sup>ties</sup> Plantations vnder his Comand from any Forraigne parts contrary to the Act of Navigation.

EDW: WALKER

[Endorsed] Dec.  $6\frac{8}{9}$ 

Ord<sup>r</sup> for a Lett<sup>r</sup> to L. Willoughby to prohibite y<sup>e</sup> Jews trading thither from Amsterdam &c.

#### APPENDIX XX.

[Calendar British State Papers. Colonial. 1669-1674, No. 3, p. 2.]

Jan. 13th 1669. The King to the Governor of Barbadoes. To seize the Mathew and Francis of 300 tons, Rich. Bread, Master, and the Sarah and Mary of 270 tons, Edw. Burton, junr., Master, laden in the Texel, upon the account of several Jews and others at Amsterdam, immediately they arrive in any port under his Government, and to proceed with rigour against them according to the late Acts of Navigation. Drafts by Williamson.

# APPENDIX XXI.

[Ibid., 1669-1674, No. 387, p. 154.]

Jan. 13<sup>th</sup> 1671. Whitehall. Warrant to prepare a Bill for Moseh Pereyra of Barbadoes, merchant, to be a free denizen of England, but with a clause to have no benefit until he has taken the oaths of allegiance and supremacy before the Governor or Deputy Governor of the island.

#### APPENDIX XXII.

[Laws of Barbadoes. London: Richard Hall, 1764.]

An Act appointing how the testimony of the People of the Hebrew Nation shall be admitted in all Courts and Causes.

No. 61

Whereas His sacred Majesty hath signified his Royal pleasure that all persons of the Hebrew nation residing in this Island, that are made free Denizens, may be admitted to give their Testimonies on their Oaths, in all Courts and Causes, in such manner and form, as the religion of the said Hebrews will admit: Be it therefore enacted and ordained by his Excellency Sir Jonathan Atkins, Knight, Captain their oaths on General and Chief Governor of this, and other the Caribee Moses, in all Slands, the Council and Assembly of this Island, that an Courts and Courts and such Persons of the Hebrew nation as reside in this Island Dealing, and not otherwise.

The deal of the Persons of the Hebrew nation as reside in this Island Commerce, shall from henceforth otherwise. be freely admitted before all Judges, Justices and other Officers in all Courts and Causes whatsoever, relating to Trade and Dealing, and not otherwise, to give their Testimony upon their Oaths, on the five books of Moses, in such manner and form as is usual, and the religion of the said Nation doth admit.

Jews resident, that are men of credit and commerce.

> Read and passed the Council and consented to by his Excellency 18th February, Edwyn Stede 1674. (Deputy Secretary)

Read and passed the Assembly Nemini Contradicente, February 17, 1674. John Higinbothan (Clerk of the Assembly)\*

\*This form of attestation is quite unusual in the collections of the laws of Barbadoes. Most of the laws have only the date of their final passage attached. The editor of this collection states in a footnote that this act was never printed in any former edition of the laws, "though it appears from the face of the Record, to be in force,"-that is, was still in force in 1763-4.

#### APPENDIX XXIII.

[*Ibid.*, pp. 119-120.]

An Act for the Governing of Negroes.

And in regard the Planters necessity doth compel them No. 82. Clause XVII. for the management only of their Lands, to keep so vast a stock of Negroes and other Slaves, whose desperate lives and great numbers become dangerous to them, and all other the Inhabitants; that therefore such who are not bound up by that necessity, in having Plantations of their own, or hired Land, may not increase the danger to this Island, by keeping Negroes or other Slaves to hire out to others. Be it therefore enacted . . . that no person of the Hebrew nation residing in any Sea-port Town of [sic] Island, shall keep or employ any Negro or other Slave, be he Man or Boy, for any use or service whatsoever, more than one Negro or other Slave, Man or Boy, to be allowed to each of the persons of the said Nation, excepting such as are denizened by His Majesty's Letter Patent, and not otherwise, who are to keep no more than for their own use, as shall be approved of by the Lieutenant Governor, Council and Assembly: And if any Negro, Man or Boy, more than is before allowed by this Act, shall be found three months after the publication hereof, in the custody, possession or use of any of the persons aforesaid, then every such person or persons shall forfeit such Negro or other Slave; one moiety of the value thereof, to whomsoever shall inform, and the other moiety to his Majesty to the use in this act appointed.

Passed August 8, 1688.

## APPENDIX XXIV.

[*Ibid.*, p. 166.]

An Act to repeal a Clause in an Act, entitled "An Act for the governing of Negroes."

Whereas by certain Clause in an Act, intitled, "An Act No. 108. Preamble.

for the governing of Negroes, dated the eighth day of August,

in the year of our Lord God, One thousand six hundred eighty and eight. It is enacted, "That no person of the Hebrew nation," [etc., etc., as in Appendix XXIV]; as by the said Clause in the said Act may appear: But forasmuch as the said Nation inhabiting here, are become considerable Traders, and in order to carry on the same to advantage. as well of the Public as of themselves, are obliged to employ a greater number of Negroes or Slaves, then [sic] were at the Clause I. time of making the said Law thought necessary. Be it there-Islaves any fore enacted, and it is hereby enacted by his Excellency, Sir might have Bevill Granville, Knight, Her Majesty's Captain General Clause had ever been in force, and Governor in Chief of this Island, the Honourable the Members of Her Majesty's Council, and the General Assembly, and by the authority of the same, That the said Clause be, as it is hereby repealed, annulled and declared void, to all intents and purposes whatsoever. And that it shall be lawful for every person of the said Nation to employ as many Negroes and other Slaves, as they might legally have done, if no such Clause had never been in force; anything in the said Clause, Act, or any other Clause, or Act, Custom, or Usage to the Contrary, in any wise notwithstanding.

Passed September 30, 1706.

This Act is totally omitted in all the former Editions of the Laws of Barbados.\*

# APPENDIX XXV.

[*Ibid.*, p. 382.]

An Act for raising a sum of Money yearly to defray the No. 210. Expenses of the Government.

And to the end that the Nation or People, called Jews, dwelling in this Island, may also bear a just proportion of

<sup>\*</sup>This concluding sentence is in the form of a note by the author.

this Tax: Be it enacted by the Authority aforesaid, That Between the first day of May the said Nation or People, shall some time between the first day of May and the first of day of May, and the said first day of July, in every year durduring the continuance of this ing the continuance of this Act as aforesaid, pay to the said thus Jews in Bridge Town to Treasurer, the sum of two hundred and ten pounds current pay 190 to the said those in and money of this Island, that is to say, the Jews dwelling in 30 the Jews to the said thus a sum of thus a sum of thus a sum of the said thus a sum of the said thus a Bridge Town, shall pay the sum of one hundred and ninety: be equally rated by the Vestries and the Jews dwelling in Speight's-Town, the sum of twenty of the said Towns, in like pounds, over and above their Levies on Negroes, Mills, directed by the Kilns and Houses; to be equally rated and adjusted by the Clause. respective Vestries of the said Towns wherein the said Jews dwell, in like manner, upon the like oath, and under the like penalty for all persons offending, as is hereinbefore appointed, upon the Assessment of all other the Inhabitants of the several towns of this Island."

other Levies: to

Passed August 31, 1756.

N. B.—This levy was in addition to the general taxation as provided in the bill.\*

# APPENDIX XXVI.

[*Ibid.*, p. 428.]

An Act for discharging the suspension of the payment of No. 223. the present fifteen penny Levy; and also for raising an additional Levy on the Inhabitants, to answer the exigencies, as well as the current expences of the year.

And to the end all Owners of Houses in the respective Towns of this Island, as also the able Traders, Inhabitants and Persons keeping Offices or executing any gainful Trade or Profession therein, as well Christians as Jews, who shall by the respective Vestries be deemed capable of paying any Tax, may be proportionably rated, according to their several abilities, without any imposition for being of the Hebrew Nation; ...

Passed October 8, 1761.

<sup>\*</sup> Note by the editor.

#### APPENDIX XXVII.

[Acts of the Assembly of the Leeward Islands, 1690-1705. London: John Baskett, 1740, pp. 12-13.]

An act to repeal a certain Act against the Jews.

No. 25. Confirmed 17 May, 1703.

Whereas there was an Act passed at a meeting of the General Council and General Assembly sometime since held at Antigua, intituled An Act against Jews ingrossing Commodities imported in the Leeward Islands, and trading with the Slaves belonging to the Inhabitants of the same; bearing Date the last Day of August, One thousand six hundred ninety-four.

II. And whereas by their humble Petition directed to his Excellency the present Governor in Chief of all your Majesty's Charibbee Leeward Islands in America, and to the Gentlemen of the General Council and General Assembly now met at Nevis, have set out their many and great Grievances sustained by reason of the said Act, praying Relief in the Premisses, and also promising a due Obedience for the future to the Laws of England, and these your Majesty's Islands, relating to Trade, and Preservation of the same.

III. And forasmuch as the said Act hath proved of pernicious Consequence to the Jews residing in these Islands; therefore, for their Encouragement to assist and defend your Majesty's said Charibbee Islands with the utmost of their Power, Strength and Ability, in case of a War, and to behave themselves fairly and honestly amongst us for the future.

IV. We your Majesty's most dutiful and loyal Subjects, the governor in Chief of all your Majesty's Charibbee Leeward Islands in America, the General Council and General Assembly now met at Nevis, do pray your Most Excellent Majesty to enact and ordain, and be it, and it is hereby enacted and ordained by the Authority aforesaid that the said Act, intituled [as above] shall be, and is hereby abrogated

and repealed, and all and every Clause thereof, and declared from the Date of these Presents null and void to all Intents and Purposes whatsoever, as if the same had never been made; the said Act, or any other Act, Law, Custom or Usage to the contrary notwithstanding.

Dated at Nevis, the 10th of December, and thirteenth year of his Majesty's Reign, Anno Domini one thousand seven hundred and one.



# THE NATURALIZATION OF JEWS IN THE AMERICAN COLONIES UNDER THE ACT OF 1740.

By Dr. J. H. Hollander, Johns Hopkins University, Baltimore, Md.

At the first scientific meeting of the American Jewish Historical Society, held at Philadelphia, December 15, 1892, Hon. Simon W. Rosendale called attention to the act of 13 Geo. II, c. 7 (1740), permitting the naturalization of Jews in the American colonies. The text of this act was printed in full in No. I of the Publications, and the suggestion was made by Judge Rosendale, in an introductory note, that an examination of the records of the Commissioners for Trade and Plantations in London might result in the discovery of the names of Jewish colonists who had availed themselves of the benefit of the act. Accordingly, a year ago, the present writer, then planning to spend the summer in England, informed the secretary of the Society of his intention while in London to examine the archives of the Public Record Office, with this object in view. Soon after arriving, he learned incidentally that this had already been performed, at the suggestion of Hon. Oscar S. Straus, by the distinguished president of the Anglo-Jewish Historical Society, Mr. Lucien Wolf. Mr. Wolf generously placed the results of his search at the disposition of the present writer. seemed best, however, to proceed independently, in order to permit collation and verification of results. This was actually done, and Mr. Wolf's list was found correct in almost every detail. To Mr. Wolf is thus due both the pleasure of priority and the credit of exact research.

It seems proper to add that ten years earlier (September 12, 1883), attention was called to the significance of this act

of 1740 by Rev. Dr. B. Felsenthal of Chicago, in a letter addressed to Judge Charles P. Daly, LL.D., upon the occasion of the latter's address at the laying of the corner-stone of the Hebrew Orphan Asylum in New York City. The letter and the reply it elicited are appended by Mr. Max J. Kohler to his edition of Judge Daly's The Settlement of the Jews in North America (pp. 154–161), and will be referred to hereafter.

T.

Prior to the reign of James I, it was possible for a Jew to acquire civil status in Great Britain in the same manner as any other alien, viz. by naturalization by act of Parliament. The act of 7 James I, c. 2 (1610) directed against the Roman Catholics, had the collateral effect of excluding Jews from the privilege of naturalization, by providing that all persons thereafter to be naturalized should receive the sacrament within one month before the bill for their naturalization was exhibited. In 1675 this requirement was slightly relaxed by a statute which provided that any foreigner who should engage for three years in England, Wales, or Berwick, in hemp, flax or cotton cloth manufacture, should, upon taking the oaths of supremacy and allegiance before two justices of the peace, enjoy all privileges of natural-born subjects.

A statute of greater significance was the act of 13 George II, c. 7 (1740), with which we are here concerned. It was passed in the further interest of trade and colonization, and extended freedom of naturalization to foreigners residing seven years in the American colonies who should take the oath of abjuration, make the declaration of fidelity, and receive the sacrament. Neither special act of Parliament nor attendance in London was necessary. The person seeking naturalization merely took the required oath and paid to the secretary's office of the particular colony in which he resided a record fee of two shillings, in return for which he was granted a certificate

which served as a complete naturalization paper. The secretary of each colony was required annually to transmit to the office of the Commissioners for Trade and Plantations in London a list of all persons who had entitled themselves to the benefit of the act. Such lists were to be "duly and regularly entered by the said Commissioners in a Book or Books to be had and kept for that Purpose in the said Office, for publick View and Inspection as Occasion shall require."

The provisions of particular significance for our purpose are contained in sections II and III of the statute. In the former of these, "such who profess the Jewish Religion" are specifically exempted from the necessity of receiving the sacrament as a qualification for naturalization; in the latter the same persons are allowed to omit the phrase "upon the true faith of a Christian" in taking the oath of abjuration.

The bill when first proposed seems to have attracted little attention, and to have encountered no opposition from the public at large. This was doubtless in large part due to the fact that the word "Jews" did not appear in the title. Its legislative history was likewise uneventful. Pelham in 1753 declared that it "passed through both Houses without the least opposition."\* The formal records show that leave to bring in the bill was granted in the Commons on November 30, 1739, nemine contradicente.† On January 29, 1740, it was sent to the Lords, where it seems to have been subjected to more careful discussion and to have received some slight amendments, to which the Commons assented. The measure passed on February 15, 1740, and received the royal assent on March 19, 1740.‡

The operation of the act occasioned as little opposition as its passage. In 1753, Pelham, in the speech already referred to, asserted that the act of 1740 "has now subsisted for several years without causing the least murmur among the

<sup>\*</sup>Cobbett, Parliamentary History, vol. XV, p. 143.

<sup>†</sup> Journal of House of Commons, vol. XXIII, p. 394.

<sup>‡</sup> Journal of House of Lords, vol. XXV, pp. 453, 459, 461, 487.

people." Other testimony of the same character is available.\* Not until 1753, and then only as an incident of the reaction which followed the passage of the "Jew Bill" of that year, was the act of 1740 threatened.

The popular hostility excited by the act of 1753, and judiciously nursed by the opposition, attained such dimensions† that soon after Parliament reconvened in the following year, a bill was passed repealing the naturalization act of 1753. Encouraged by the repeal of the act of 1753, an attempt was now made to effect the repeal of the earlier statute of 1740.†

On November 19, 1753, Mr. George Cooke moved, after the reading of the Act of 1740, for an address to the Crown to cause lists to be laid before the House, of the names of persons professing the Jewish religion who had since June 1, 1740, entitled themselves to the benefit of that act.§ It was so ordered, and on November 22, Lord Dupplin, from the Commissioners for Trade and Plantations, presented to the House a copy of the names as ordered, compiled from the

\* See Martin's speech, p. 107 below.

†The storm of popular disapproval which swept over all England upon the passage of the act of 1753 is graphically described by Walpole: "The whole nation found itself inflamed with a Christian zeal, which was thought happily extinguished with the ashes of Queen Anne and Sacheverel. Indeed, this holy spirit seized none but the populace, and the very lowest of the clergy. Yet all these grew suddenly so zealous for the honor of the prophecies that foretell calamity and eternal dispersion to the Jews, that they seemed to fear lest the completion of them should be defeated by Act of Parliament, and there wanted nothing to their ardor but to petition both Houses to enact the accomplishment. The little Curates preached against the Bishops for deserting the interests of the Gospel; and aldermen grew drunk at county clubs in the cause of Jesus Christ, as they had used to do for the sake of King James "-Walpole, Memoirs of George II (ed. Holland), vol. I, pp. 357, 358.

‡ Cobbett, Parliamentary History, vol. XV, pp. 162, 163; Walpole, Memoirs of George II, vol. I, p. 364 et seq.; Coxe, Memoirs of the Pelhams, vol. II, p. 297 et seq.

<sup>§</sup> Journal of House of Commons, vol. XXVI, p. 845.

lists transmitted by the secretaries of the several colonies. The copy was read by title and ordered to lie on the table "to be perused by members of the House."\*

On December 4, Lord Harley and Sir James Dashwood moved for the formal repeal of the Act of 1740. Reports of the interesting debate which ensued have been preserved, and it seems worth while to append these in some fulness:

"Martin, the West Indian, opposed the motion in a speech of wit. He said this act had been made 13 years ago; had occasioned no clamor then, nor since. Foreigners would begin to think that there was no combustible material left in England but these poor Jews. One hundred and eighty-five have taken the benefit of the act. He had been so idle, he said, as to read all the pamphlets and papers on the late act, and must pronounce that no subject ever occasioned the spilling of so much nonsense. That America can only be peopled by foreigners, unless you would drain your own country, over and above those valuable colonists, the transported."

"Sir Roger Newdigate spoke for the last moved repeal. Nugent ridiculed it and said that if once the principle was admitted there would be no stopping. Why have 130 Jews been naturalized in Jamaica, and none in Barbadoes? Because three parts of the former are desert, and no part of the latter. Would you drive them out of the desert? Spanish Jews are the most proper because they can best support the climate. That noble pirate, the Knight of Malta, says, make perpetual war with perpetual enemies; so says the Inquisition—imitate them, and you will only have your Mediterranean trade. Then break with those who league with the enemies of your religion, as Spain does with Denmark. But no; you have done what you meant to do. Stop here: a Christian knows no perpetual enmity. The most prosperous, happy man here has the best chance for the

<sup>\*</sup> Journal of House of Commons, vol. XXVI, p. 850.

next world. They who make these clamors now smile with us; if we gave way, would laugh at us."

"Sir John Bernard made a short, bad speech and went away."\*

"Mr. Pelham said: 'To repeal the Plantation Act will be to tell the people we repeal this law not because it has made but because it ought to have made you uneasy. To part with those who hold our wealth will be to divest ourselves of our strength. To pay attention to mere clamor will produce the most serious consequences; but a repeal will revive the intolerant principles of the High Church, which have produced such pernicious effects, and encourage that spirit, which can only be gratified while it is thundering for its essential anathemas."

"Mr. Pitt spoke with still more energy than Mr. Pelham. 'I did not expect,' he observed, 'that this would have been the first return for the recent condescension of parliament. A stand must be made or our authority is at an end. I consider the recent clamor to be a little election art which has been judiciously humored. The bill was not a toleration, but a preference given to Jews over other sects. My maxim is, not to grant more consideration to the church than it actually enjoys; for if a High Church spirit should revive, the fate which threatens the Jews to-day will menace the Presbyterian to-morrow, and the country will be agitated by a septennial church clamor. We are not to be influenced by laws passed before the Reformation. Our ancestors would have said, "A Lollard has no right to inherit lands." We, on the contrary, do not fear to indulge Jews. They are not likely to become great purchasers of land, for they love their money and can employ it to much better advantage in trade."

At the conclusion of debate the question was put, on the same day, December 4, 1753. A division of the House

<sup>\*</sup> Walpole, Memoirs of George II, vol. I, pp. 364-366.

<sup>†</sup>Coxe, Memoirs of Pelham, vol. II, pp. 297, 298; cf. also Walpole, Memoirs of George II, vol. I, pp. 366, 367.

resulted in 88 in favor of repeal and 208 against.\* This decisive verdict placed a quietus upon all further agitation, and the act continued in operation until the course of historic events rendered unnecessary the British naturalization of American colonists.

During the period of its operation, the Act of 1740 thus afforded an easy means of complete naturalization to Jews resident for a period of seven years or more in the American colonies. A distinguished writer on American Jewish history, Hon. Charles P. Daly, has stated that under the provisions of this act "naturalization could only be obtained by applying for an Act of Parliament."† This view would certainly seem to be erroneous. Not only is the text of the statute explicit, but the actual operation of the measure makes it certain that no special Act of Parliament was necessary. Judge Daly cites Smollett's History of England in verification or illustration of his contention. It seems hardly necessary to add that Smollett is a secondary source, and that his narrative is here inexact and garbled.

# II.

The names transmitted by the colonial secretaries to the Commissioners of Trade and Plantations in London, as the persons naturalized under the provisions of the Act of 1740, are contained in two quarto vellum bound volumes of some two hundred and sixty pages each (of vol. II only 14 pages are filled), lettered "Names of Persons Naturalized in His Majesty's Plantations in America." The volumes are preserved in the Public Record Office, and are indexed: "Colonial Office Records, (Board of Trade) Plantation Journal, Vol. 59, 60."

As contemplated by the act, three classes of persons were naturalized under its provisions—(1) Jews, (2) Quakers and (3) other aliens. The first two classes were exempted from the

<sup>\*</sup> Journal of House of Commons, vol. XXVI, p. 861.

<sup>+</sup> The Settlement of the Jews in North America (ed. Kohler), p. 157.

necessity of receiving the sacrament. Pennsylvania Germans furnished the largest quota of the third class, and indeed aggregate probably several times as many as all the other names together. Almost all the entries from Jamaica are of Jews. The total number of Jews recorded is 184. These are specifically described as "Jews" or "persons professing the Jewish religion," or bear distinctively Jewish names. To this number might be tentatively added 5 names, the correctness of including which in this category is uncertain. The aggregate of 189 names is distributed as follows:

We have no means of ascertaining to what extent, if any, persons were naturalized under the act in the colonies without the fact thereof being transmitted to the commissioners in London. Possible error in the selection of Jewish names from the Commissioners' record would perhaps be avoided by comparison with the list laid before the Commons in 1753, referred to above.\* It has, however, been impossible to discover this list. The Journal of the House of Commons † records that "the said copy is preserved amongst the other papers of this session," but it is not contained in the printed sessional papers. Mr. Lucien Wolf speaks confidently of having seen it, but was unable to recall in what particular connection. Search and inquiry by the present writer in the British Museum, the Public Record Office and the Journal Office of the House of Commons were unattended with success.

In the debate upon the repeal of the act in 1753, Martin spoke of 185 Jews having availed themselves of its benefits,

and Sir Roger Newdigate added that 130 of these were from Jamaica.\* These statements were of course based upon the list of names then before the House. Bearing in mind that persons were naturalized after 1753, these statements indicate a substantial but not entire agreement of the earlier compilation with that here appended.

Of the one hundred and eighty-nine entries, one hundred and eight are dated between 1740 and 1743, and one hundred and forty-four between 1740 and 1746. Few names, Jewish or other, occur in the volumes after 1761, and this fact, together with their occurrence in non-chronological order, throws a possible doubt upon the correctness of the dating of the 9 names ascribed to Jamaica in 1762. precise distribution in time of the one hundred and eightynine names is as follows:

174053	1748 8
174119	174914
17426	17506
174330	17522
1744 7	17552
174511	1757 1
174618	17629
17472	Undated 1

#### TTI.

A LIST OF PERSONS THAT HAVE INTITULED THEMSELVES Extract of Jew-TO THE BENEFIT OF THE ACT (13 GEO. II) FOR NAT-URALIZING SUCH FOREIGN PROTESTANTS AND OTHERS THEREIN MENTIONED AS ARE SETTLED OR THAT SHALL SETTLE IN ANY OF HIS MAJESTYS COLONIES IN AMERICA.

#### JAMAICA.

Tuesday the 25th Day of November, 1740. Persons professing Vol. I, fol. 21. the Jewish Religion.

Jacob Mendes Gutteres Benjamin Bravo

Isaac Fuertado Moses Martius

<sup>\*</sup>See above, p. 107.

Abraham Ribiero

Moses Lopes Heneriques

Jacob Pinto Brandon

Del M

Isaac

Moses

David Bravo

Del Mz Da Costa Isaac Ramalho

Moses Cohen Delarha

Aaron Lamera

Thursday the 26th Day of February, 1740. Persons professing the Jewish Religion.

Elias Fernandes Corche Moses Alvares Corche Aron Dias Fernandes Jacob De la Penha Jacob Gutteres Penha Solomon Mendes Jacob Lyon David Torres

Henriq. Israel
Isaac Henriques Campos

David Salom

Jacob Da Silva Ab<sup>m</sup> Laguna

Jacob Fernandes Mesquitta Benj<sup>n</sup> Rodrigues Gabriel

Joseph Abrathar Daniel Dovalle

Isaac Henriques Sequira

Is¹ de la Penha Moses Rodrigues

Isaac Fernandes, Pr<sup>ll</sup> [Portu-

Rap<sup>1</sup> Mendes

gal]

Vol. I, fol. 22.

Tuesday the 2d Day of March, 1740.

Rachaell Cardosa . . . A person professing the Christian Religion

Tuesday the 26th Day of May, 1741. Persons professing the Jewish Religion.

Abraham Henriques Sequira Abraham Lopez Henriques Solomon Curiel Jacob Lopez De Crasto

Tuesday the 25th Day of August, 1741. Persons professing the Jewish Religion.

Isaac Nunez Da Costa Phinelias Mattos
Daniel Alves Fernandes Isaac Devalle

Isaac Lopes Prette Jacob Nunez Da Costa

Tuesday the 24th Day of November, 1741.

Jacob Brandon Leah Soares
Joseph Soares Rebecca Pennea
Monashe Ribas

Wednesday the 24th Day of February, 1741.

Moses Alvares

Wednesday the 26th Day of May 1742.

David Mendez Joshua Gomez Silva

Wednesday the 1st Day of September, 1742. Persons professing vol. I, fol. 23. the Jewish Religion.

Rodrigues Moeda

Wednesday the 1st Day of December, 1742.

Daniel Da Silva Daniel Cardoza

Wednesday the 23rd Day of February, 1762.

Jacob Pereira Mendes Rachael Da Costa Alvaringa

Esther Pereira Mendes Sarah Sanches
Esther Da Costa Alvaringa Moses Ladesma
Leah Ramalho Isaac Gomes Silva

Rachael Alvaringa

Friday the 31st Day of May, 1743.

Abraham Nunez Da Costa Rachael Henriques
Leah Martins Moses Alvares Correa
Sarah Cardoza Jacob Laguna, Jun<sup>r</sup>

Leah Cardoza Moses Levy

Rachael Oroibo Furtado Isaac Henriques Cuna

Sarah Nunez

Thursday the 30th Day of August, 1743. Persons professing vol. I, fol. 24. the Jewish Religion.

Moses Nunez da Costa Jacob Lopes Henriques Isaac Campos Almeyda Hannah Lopes Riz

Tuesday the 29th Day of November, 1743.

Isaac Mendes CunhaRachael CordosoDavid FernandesJoshua NunezJoseph Alvares CorcheAbigail Mendes

Jacob Cordoso

Tuesday the 28th Day of February, 1743.

Sime Mendes Henry Levy Rebecca Laguna Rema Torres

Sarah Lopes Henriques Abraham Dovall Saldana

Rachael Lopes Henriques

Friday the 1st Day of June, 1744.

David Valentia Abigall Valentia

Tuesday the 27th Day of November, 1744. Persons professing the Jewish Religion.

David Da Silva Fles

Tuesday the 26th Day of February, 1744. Persons professing the Jewish Religion.

Jacob Nunes Henriques Abigail Fernandez Ab<sup>m</sup> Roiz Cardozo

Tuesday the 27th Day of August, 1745. Persons professing the Jewish Religion.

Abram De Campos, Sen<sup>r</sup>

Moses Nunes Henriques Esther Salom

Esther Lopes Pereira Isaac Rodriques Miranda

Judith Orobio Furtudo Elias Lazares

Rice Vega Esther Pinto Brandon Rachel Henriques Rica Campos Almeyda

Thursday the 27th Day of February, 1745. Persons professing the Jewish Religion.

Solomon Abrahams

Thursday the 27th Day of May, 1746.

Moses Aguilar Solomon Saldana

Tuesday the 26th Day of August, 1746. Persons professing the Jewish Religion.

Abraham Sanches Esther Mendes Moses Roderiques Judica Da Silva Benjamin Sanches
Gabriel Mendes
Moses Per<sup>a</sup> Da Costa
Rachel Fernandes Pereira

Rica Da Silva
Rachel Mendes
Judith Mendes
Esther Mendes

Wednesday the 26th Day of November, 1746.

Rachel Lopez Depais

Tuesday the 24th Day of February, 1746. Persons professing vol. I, fol. 26. the Jewish Religion.

Abraham Surzedas Rachael Surzedas

Tuesday the 23rd Day of February, 1747. Persons professing the Jewish Religion.

Rebecca Nunez Vizea Ester Henriques Furtado

Wednesday the 31st Day of August, 1748.

Abraham Pereira Mendes

Ben. Dias Fernandes

Sam<sup>ll</sup> Pr<sup>a</sup> Mendes

Daniel Lopes Barrios

David Nunes Trois

Abraham Carille

Tuesday the 28th November, 1749. Persons professing the Vol. I, fol, 27. Jewish Religion.

Ester Nunes Trois Ester Dias Fernandes
Judith Henriques Campos Rachel Henriques Cunha

Tuesday the 27th February, 1749.

Abraham of Benjamin Pereira Daniel Albuquerques
Mendes Moses Mesquita, Sen<sup>r</sup>
Jacob Nunez De Lara Joshua Aboab

Tuesday the 29th May, 1750.

Alexander Nathane

Wednesday the 28th November, 1750.

Abigail Lopez Isaac Henriques Furtado Moses Dias Fernandes Tuesday the 26th February, 1750.

Isaac Rodriques Nunes

Jacob Mendes Seixas

#### SOUTH CAROLINA.

vol. I, fol. 68. Tobias Joseph, a Jew. Certificate recorded 11th December, 1741.

#### MARYLAND.

Vol. I, fol. 89. Between the 1st of June, 1742, and the 1st of June, 1743.

Phineas Alferino.

Between the 1st of June, 1743, and the 1st of June, 1744. Jacob Stern.

April Assize, 1749.

Jacob Frank, of Frederick County.

Vol. I, fol. 90.

September Term, 1757.

Ansel Israells

# PENNSYLVANIA.

Vol. I, fol. 125. Moses Heyman, a Jew: Philadelphia county.

## NEW YORK.

Vol. I, fol. 137.

Between the 1st June, 1740, and the 1st June, 1741.

#### Jews:

David Gomez

Mordecai Gomez

Daniel Gomez

Joseph Simson

Solomon Bares

David Huy

Jacob Ferro, Jun<sup>r</sup>

Samuel Myers Cohen

Joseph Simson

Solomon Bares

David Huy

Abr<sup>m</sup> Rodrigues de Rivieres

Dan<sup>11</sup> Rodrigues Vinera

Abraham Myers Cohen
Abraham Isaacs
Isaac Levy
Solomon Myers

Levy Samuel
Solomon Myers

Abraham Isaacs
Judah Hayes
Levy Samuel
Solomon Myers

October 23rd, 1741.

Vol. I, fol. 138.

Isaac Nunes Henriques, Jew

Abraham De Leas,

Do.

April 19th, 1743.

Moses Levy, Jew.

January 21st, 1746.

Vol. I, fol. 140.

Jacob Rodrigues Revera, Jew

April 26th, 1748.

Isaac Hays, Jew

October 18th, 1748.

Moses Benj<sup>n</sup> Franks, Jew.

PENNSYLVANIA.

March 25, 1749.

Vol. I, fol. 227.

Jos. Simon, a Jew; Lancaster County.

Joseph Solomon, Lancaster; a Jew sworn on the Old  $_{\rm Vol.\,I,\,fol.\,230.}$  Testament.

Mathias Bush, a Jew; Philadelphia City, sworn on the Old Testament only.

September 20, 1752. Jews sworn on the Old Testament only. Vol. I, fol. 233. Solomon Heim Bonn, of the city of Philadelphia.

Midrach Israel, of the city of Philadelphia.

March 31, 1755.

Vol. I, fol. 239.

H. B. Franks [of] Yorktown, York County; a Jew.

April 8, 1755.

Jacob Isaac.



#### WHO WAS THE FIRST RABBI OF SURINAM?

BY GEORGE ALEXANDER KOHUT.

In a paper read at the third annual meeting of the American Jewish Historical Society,\* the writer gave a brief outline of the literary work of the rabbis who had attained prominence in the American colonies, but whose contributions to Jewish religious (and often to secular) learning were entirely forgotten until Dr. Kayserling, the distinguished pioneer in this field of research, recovered their names from oblivion.† Such men as Moses Raphael de Aguilar, Isaac ben Mattathias, Aboab de Fonseca (known as Isaac Aboab III), Miguel (Daniel Levi) di Barrios, Jacob Lagarto, Daniel Israel Lopez Laguna, David Nassy (or Nasi, Nasci), Isaac Nassy, David Pardo, Josiahu Pardo, Samuel Mendes de Solla, J. Lopez da Fonseca, Joseph Jesurun Pinto, Ephraim Soeiro, Eliahu Machorro, Jacob de Andrade Velosino (or Villosino), and other scholars less prominent in the annals of history, lived and labored in various portions of the New World. Some of them took up their abode in Pernambuco, Bahia, Recife and other districts of Brazil where once a prosperous Hebrew congregation flourished; some were domiciled in Savannah, Paramaribo and Jewish villages of Surinam, while others again pitched their tents in Jamaica, Curaçoa, Cayenne, and such of the West Indian islands as were already inhabited by their co-religionists.

From the survey of our early history on this continent

<sup>\*</sup>See Pub. Am. Jewish Hist. Soc. No. , pp. 103-147.

<sup>†</sup> Cf. his Sephardim, Romanische Poesien der Juden in Spanien (Leipzig, 1859), pp. 293-303; Sephardic Jews in America, in Leeser's Occident, vol. XXVI, pp. 216-221, and other articles cited in my sketch.

as it is now presented in the researches published by our Society, it is apparent that Surinam and the West Indian colonies were central points of Jewish activity.

The colony in Dutch Guiana was undoubtedly organized about 1664. By proclamation, August 7, 1665,\* the British government at Surinam ratified all former privileges of the Jews, guaranteed them full enjoyment and free exercise of their religious rites and usages, and made void any summons served upon them on their Sabbaths or holidays. They were not to be called for any public duties on those days except in urgent cases. Civil suits of less value than 10,000 pounds of sugar were to be decided by their Elders, and the magistrates were obliged to enforce their judgments. They were also permitted to bequeath their property according to their own law of inheritance. They were given ten acres of land for the erection of a synagogue and such buildings as the congregation might need; and in order to induce Jews to settle there, it was declared that all who came for that purpose should be considered as British-born subjects, in return for obeying all decrees of the King of England which did not infringe on their privileges.†

In view of these favorable circumstances it is but natural that our Dutch brethren migrated from their native country, where they did not believe themselves quite secure, and sought refuge in the Dutch colony lately inaugurated under such happy auspices. From a memorial volume entitled Sēchěr Rāb (Amsterdam, 1785), published on the 100th anniversary of the dedication of the p"" בית הכנסת של ק"ק שלום בקולונא סורינאם" (Synagogue of the Seph-

\* Not August 17, 1665, as Rev. E. M. Myers has it in his Jewish calendar, *The Centurial* (New York, 1890), p. 109.

<sup>†</sup>See Essai Historique sur la Colonie de Surinam (Paramaribo, 1788), vol. I, p. 123; Koenen, Geschiedenis der Joden in Nederland (Utrecht, 1843), pp. 466-468, 468-470; E. H. Lindo, The History of the Jews of Spain and Portugal (London, 1848), pp. 381-383. The full text of the privileges is given in Pub. Am. Jewish Hist. Soc. No. 3, pp. 145-147.

ardic congregation "Blessing and Peace" in the colony of Surinam) we learn that the first temple of the early colonists was erected on Wednesday, Heshvan 8, 5546 (October 12, 1685). "Subsequent to the erection of the synagogue," says Dr. B. Felsenthal, \* "Rabbi David Pardo came from London to Surinam and died there in 1713." The exact date of Pardo's arrival in Surinam is not ascertained. He did not die, however, in 1713, as Dr. Felsenthal says, † nor in 1716, as Dr. I. M. Jost ‡ records, but in 1717.§ J. C. Wolf says: וור פרדו R. David Pardo: obiit Surinami in America ante decem circiter annos, quod mihi ex epistola ad B. (!) Ungerum scripta constat." The document referred to here was drafted by the famous London Rabbi, David Netto (not Neto, or Nieto), who, as well as other Jewish scholars of eminence, carried on an extensive correspondence with the bibliographer, Christian Theophilus Unger,\*\* of Herrenlauschitz. In this letter, cited twice by Dr. Kayserling in another connection, ††

<sup>\*</sup>Pub. Am. Jewish Hist. Soc. No. 2, pp. 29, 30.

<sup>†</sup> See also Pub. Am. Jewish Hist. Soc. No. 4, p. 3.

<sup>‡</sup> Geschichte der Israeliten (Berlin, 1828), pp. 266, 267; cf. also Kayserling, in Frankel's Monatsschrift f. Gesch. u. Wissensch. d. Judenth., vol. III (1859), p. 211, n. 5.

<sup>§</sup> See Monatsschrift, ibid. p. 389; Dr. B. Pick, in McClintock and Strong's Theological Encyclopedia, vol. VII, p. 669b, s. v. Pardo, n. 9.

<sup>|</sup> Bibliotheca Hebraea, vol. III, p. 206, no. DXVI.

Tsteinschneider, in his Bodleian Library Catalogue (Berlin, 1852-60), col. 884, says also, "Postremum Surinami in America ca. 1717 mrt. dicit Ungerus ap. Wolf III, 516." See also ibid. col. XCV of the "Addenda et Corrigenda" to no. 4837.

<sup>\*\*</sup> On Unger's life and works see M. C. G. Jöcher's Compendiöses Gelehrten-Lexikon (Leipzig, 1726), p. 1438; Steinschneider's Catalog der hebräischen Handschriften in der Stadtbibliothek zu Hamburg (Hamburg, 1878), p. 162, no. 335; Hebräische Bibliographie, No. 100.

tt See his article on "Die Abendanas," in Frankel's Monatsschrift, vol. IX (1860), p. 33; Geschichte der Juden in Portugal (Leipzig, 1867), p. 325, n.; S. D. Luzzatto, in Blumenfeld's Ozar Nechmad, etc., vol. III (Wien, 1860), pp. 128-147; cf. also Wolf, Bibl. Hebr., vol. III, p. 539, no. MCXLI; the letter was reprinted in full in Ozar Tob-hebräische Beilage zum Magazin für die Wissenschaft des Judenthums,

we are informed for the first time that: ר׳ דור פארדו מת באמיריקא בסוריגם, "Rabbi David Pardo died in America, in Surinam." Strange to say, H. J. Michael, in his posthumous work, אור החיים (Frankf. A. M., 1891), p. 342, no. 763, s. v., says: ו״הלך לסורינאם אשר בחלק אמעריקא ומת שם בשנת תע״ג (כן כתוב באגרת ב"י מן ה"ר דוד ניטו מועתק אצלי), that in a MS copy of a letter in his possession written by R. David Netto, the date of Pardo's death in Surinam is given as 5473, i. e. 1713. This is not to be accounted for, unless it were proved that there are two different letters in question, which is hardly likely, since the "Unger correspondence" is preserved in the State library of Hamburg, where both Wolf and Michael resided. Dr. Felsenthal was doubtless unaware of the publication of the original, where no date is given, else he would not have so readily accepted Michael's information authentic.\* Although no chronological postscript is affixed to Netto's letter, it is plausible to assume, with Dr. A. Sulzbach, that it was written after 1714, the latest date mentioned . therein.† About Josiahu Pardo, his son, who officiated as Rabbi in Curaçoa and subsequently in Jamaica (c. 1674), see Kayserling, Msschft., vol. VIII, p. 389, and Pub. Am. Jewish Hist. Soc. No. 3, p. 18 f. That David Pardot was first Rabbi of Surinam, as Dr. Felsenthal would have us believe,§ is not quite accurate, for we find that even before the found-

ed. by Drs. A. Berliner and D. Hoffmann, vol. IV (Berlin, 1878), pp. 085, 086; see also Dr. A. Salzbach's remarks in *Magazin*, l. c. pp. 234, 235.

<sup>\*</sup> Pub. Am. Jewish Hist. Soc. No. 2, p. 30, n. 1.

<sup>†</sup>Berliner's Magazin, l. c. p. 235.

<sup>†</sup>This David Pardo, about whose literary activity see Dr. Felsenthal's interesting remarks in *Pub. Am. Jewish Hist. Soc.* No. 2, p. 30, is not to be confounded with the three others of similar name enumerated by Dr. Kayserling (l. c. VIII, pp. 386-390) and Rev. Dr. B. Pick (in McClintock and Strong's *Encyclopædia*, vol. III, p. 669), all of whom were celebrated authors of Rabbinic works.

<sup>§</sup> Cf. also Dr. A. Hahn, in American Jew's Annual for 1886-1887, p. 36. He erroneously states that our Pardo wrote Shoshanim le David.

ing of the colony, the Surinam Jews had a spiritual guide in the person of Isaac Neto (Netto?) whom Dr. Kayserling\* describes as their first Chacham. He is not to be confounded with Isaac Netto, the son of the celebrated British Chief Rabbi, David Netto. The Surinam Rabbi was trained in the Academy de los Pintos in Rotterdam, simultaneously with Josiahu Pardo, Joseph Franco (later in Surinam), Jacob Abendana and other distinguished scholars.† When the benevolent institution Temine Derech in Amsterdam was founded in 1665, Isaac was invited to become its Rosh, or spiritual head, and was also officially connected with the institution Abi Jethomim. Thus we read in De Barrios' Temime Derech (p. iv):

> Su primer Ros, ó doctrinal Cabeça El Jaxam Ishac Neto la preside Y oy en la Indiana Sa(u)riñan, riqueza Del Bien Mosayco, preceptor reside.

We find, furthermore, in the same author's Abi Jethomim (p. 40) the following interesting reference:

> Merecen ser nombrados por la ciencia, Que huerfanda aprenden con desvelo, Ishac Neto, Jaham en Indio suelo. En su escuela con artes de eloquencia.

These are about the only allusions we can find to Isaac Nieto (or Neto) of Surinam. We are inclined to think him identical with Ishac Nietto (or Netto), Chacham in Amsterdam, who published one of his sermons, issued in a collection of orations (pp. 60-74) on the occasion of the dedication of the beautiful synagogue in Amsterdam.§ When he was called

<sup>\*</sup> Monatsschrift, vol. VIII, p. 211.

<sup>+</sup> See De Barrios, Yesiba de los Pintos (2).

<sup>‡</sup>Cited in Dr. Kayserling's sketch, l. c. vol. VIII, p. 211, nn. 7, 8. § The title of the anthology is: "Sermoës que pregarao os doctos

ingenios do K. K. de Talmud Torah en Amsterdam no alegre estreamento, e publica celebridade da Esnoga, que se consàgron a Deos, para caza de Oração, cuja entrada se festejan en Sab. Nahmu, Anno

to Surinam, how long he stayed there, and where he ended his days, we are unable to ascertain with certainty. Dr. Kayserling says his call to Surinam "must have taken place towards 1674,"\* whilst Dr. Felsenthal and Prof. Gottheil still consider the date 1680.†

5434 (Amsterdam, David de Castro Tartaz, 5435=1675)." See on this theme our sketch, "The Temple in Amsterdam," in *Menorah Monthly*, vol. XVII (1894), pp. 227-232. Steinschneider (*Cat. libr. Hebr. in Bibl. Bodl.*, etc., col. 1144, no. 5402; Kayserling, *Beilage* to *Bbl. Jüd. Kanzelredner*, vol. I (1870), p. 10; and Wolf, *Bibl. Hebraea*, vol. III, p. 606, no. MCCXLV d, refer to this sermon of Nieto's.

\*Pub. Am. Jewish Hist. Soc. No. 3, p. 19. † Ibid. No. 4, p. 3.

# ISAAC ABOAB, THE FIRST JEWISH AUTHOR IN AMERICA.

By Dr. M. Kayserling, Buda-Pesth, Austro-Hungary.

Isaac Aboab or Abuab was a great-grandson of the last Gaon in Castile of the same name, who a few months before the expulsion of his co-religionists from Spain settled in Porto, where he departed this life in 1493. The subject of this sketch has been frequently confounded with his contemporary and colleague, Isaac de Matitia Aboab of Amsterdam. He was-a fact not known until now-the son of David Aboab\* and of Isabel da Fonseca, who was fifty-one years old when Isaac saw the light in 1606 at Castrodagre in Portugal. The small family, which did not feel itself secure from the snares of the Inquisition in Portugal, moved soon after Isaac's birth to San Jean de Luz. Hence this little French town, which is situated on the Spanish frontier, is given by many as the birthplace of Aboab. A colony of Spanish and Portuguese Marranos had taken up their residence here and openly professed Judaism. There was great indignation in the mother-country over the boldness of these New Christians who happily escaped the persecutions of the Inquisition. It was the intention at first to get hold of them by force. When, therefore, in 1612 the Spanish government was about to send the Duke de Pastrana to Paris to sign the contract of the double marriage between the royal houses of Spain and France, the thought was conceived

<sup>\*</sup>The name of Aboab's father is nowhere given, but is deduced from the acrostic of one of his poems. The Isaac ben David Aboab, who was the author of the poem which prefaces the work *Pne Rabbah* by Manasseh ben Israel, is no other than our Aboab. *Bibliotheca Española-portugueza-judaica*, p. 3, is accordingly to be corrected.

in Spain to close a treaty with France of mutual extradition of refugee heretics.\* In the face of this danger which hung over them, David Aboab left San Jean de Luz with wife and child and made his way to Amsterdam, as did Fernando Roiz Mendez and others.

Isaac Aboab probably lost his father (who is nowhere mentioned) at an early age, and assumed from his mother the surname of da Fonseca. He came in 1613 to Amsterdam, where he acquired much learning under the guidance of the Chacham Isaac Usiel, so that he was already in 1619 able to hold a public office, and to assume four years after, as Rabbi, the position of the recently deceased Samuel Cohen. When scarcely twenty-one years old he was entrusted with the honored position of Chacham of the large congregation of Amsterdam. In this office he had to give instruction in the Talmud to the beginners at the Talmud-Thora, to deliver sermons, and in evenings during the winter, lectures on the prophet Isaiah, and to constitute the College of Rabbis in conjunction with Saul Levi Morteira, David Pardo and Manasseh ben Israel-all for the insignificant salary of 450 florins. In 1642 he received a call as Chacham to Pernambuco Recife, which he gladly accepted in the hope of bettering his condition.

But few years of rest were granted to Aboab and the co-religionists who took, with him, the journey to Brazil. The torch of war had there burst into full flame in 1646. A fierce struggle for the possession of Brazil was carried on by both sides, the Portuguese and the Hollanders. He spent there nine years that were full of the horrors and calamities of war. Aboab, who was an excellent Hebrew poet, immortalized these events and experiences in rhyme in a book, still in manuscript, the title of which is: "I have put up a memorial of the wonders of God and of the great

<sup>\*</sup>According to a manuscript report of an agent to the City Council, in the archives at Paris, K. 1427, communicated by Prof. Dr. M. Philippson, in Allgemeine Zeitung des Judenthums, 1868, p. 769.

kindness which He in His compassion and His great mercy showed to the house of Israel in Brazil, when there came over them the hosts of Portugal to destroy and to exterminate all that is called Israel, children and women in one day."\*

In the first poem, which consists of twenty-two alphabetically arranged rhymes, Aboab relates the sufferings which he himself and his people had to experience in the war between the Portuguese and the Hollanders.

It was in 1646 that the terrors of war overwhelmed him and his followers, who had been cast upon a strange land as by waves of the ocean. As the Jews and the Marranos had done extraordinary services to the Hollanders and shown themselves particularly active, the King of Portugal poured upon them his whole wrath and resolved upon peremptorily exterminating them. One Johann Ferdinand Vieira, a Portuguese of Madeira, whose father was of low descent and whose mother was, as it appears from Aboab's narrative, an Ethiopian, placed himself at the head of the rebels. As the Portuguese officially denied any support of Vieira, the States General at first did not suspect the cunning of Vieira; they only endeavored to get hold of him after the Indian hosts of the rebel who was in alliance with the Portuguese had

\*The title does not read as given by Benjacob (see Pub. Am. Jewish Hist. Soc. No. 3, p. 105), but:

זכר עשיתי לנפלאות אל ורב טוב לבית ישראל אשר גמלו ברחמיו וברוב חסדיו במדינת בראזיל בבא עליהם גדודי פורטוגאל עם נבל נאצו שמו להשמיד להרוג ולאבד את כל אשר בשם ישראל יכנה טף ונשים ביום אחד בשנת

ועל כל איש אשר עליו התו אל תגשו.

אני הצעיר והקטן

יצחק אבואב.

The manuscript, which is in possession of the theological association Ez Chajim in Amsterdam, was copied for me with permission of the association mentioned, procured through the kind intervention of Mr. D. H. de Castro.

begun to continually grow in number. Vieira took to flight, and with his followers kept himself in hiding in the woods until the troops sent by the King of Portugal joined his hosts and he met the Hollanders in open battle.\* It was a hard struggle: the Portuguese, inflamed by fanatical priests cross in hand, fought for the faith; the Hollanders, supported by the Jews, battled for liberty. Great was the distress and misery brought about by the siege. Aboab ordered days of fasting and offered up prayers of supplication and penitence, which he specially composed for that occasion,+ and with fiery speeches urged his battling co-religionists to resistance and perseverance. Each day brought new sufferings. Without the sword was raging, and within the besieged city, terror of death. Many Jews were slain, many perished of starvation; they rest in the cold earth on their camping-ground. Those who remained alive were exposed to death in many forms. Such as were used to delicacies were glad to be able to satisfy their hunger with dry musty bread. Soon even this was wanting and they had to rest content with fish. The enemy, "an abomination of Amalek," triumphed. He saw the last hour of the Jews, the realization of his most ardent wish approaching.‡

The famine had almost exhausted their endurance, and the besieged were about to surrender, when their hard fate and total destruction were averted as by a miracle; at the last moment the Dutch fleet appeared and brought them deliverance. This happened on the 9th of Tammuz, when two ships arrived. Without them, all would certainly have been doomed to destruction.

<sup>\*</sup>See Appendix I. Agreeing with Aboab, R. Southey, *History of Brazil*, vol. II, p. 60 f., in Koenen, *Geschiedenis der Joden in Nederland*, p. 279 f.

<sup>†</sup>Appendices II and III.

<sup>‡</sup>See Appendix I and Aboab's introduction to his Hebrew translation of the Kabbalistic work of Herrera, *Porta Coeli* or *Shaar Hashamayim* (Amsterdam, 1655).

The Jews were thus saved, and, like their forefathers at the Red Sea, they sang in humble devotion, "Who is like Thee among the gods, O Lord!"\*

After his return to Amsterdam, Isaac Aboab da Fonseca was reinstated in the offices and positions of honor which he held prior to his removal to Brazil. He was also entrusted with the direction of the educational institution founded in 1656 by Ephraim Bueno and Abraham Pereira. He was a philosophically trained man, having written several philosophical treatises in the spirit of his time, an excellent orator (several of his Spanish speeches appeared in print), and an able Hebrew poet, as the elegies contained in the manuscript frequently mentioned above, and other poetical productions which certainly deserve to be collected, bear witness. He endeared himself to his congregation, which he guided during seventy years. To his suggestion is due the erection of its large synagogue, which even now is one of the richest and most beautiful Jewish houses of worship. Aboab, who during the last years of his life was deprived of his eyesight, reach the great age of eighty-eight years. He departed this life, much lamented, on the 4th of April, 1693.

Aboab occupies an honorable place in the early history of the Jews of America.

#### APPENDIX.

I.

מי דומה לך ואין דומה לך.
רם על כל רמים שוכן מעוני
בזמירות נריע לו
ודברי נביאיו בי הקים
אשרי אדם עוו לו
ואף גם זאת נכספה נפשו
ובריתי נאמנת לו

מי כמוך ואין כמוך, אל אלהים אדני שמו אזכיר בקהל אמוני בפשעי השלכתי לארץ מרחקים ואם נפלתי מְשְחָקִים לעמקים גלי הים עברו על ראשי ולא שקרתי בקדושי

אשורי לא נטו מאשוריו על כן אוחיל לו ולא העיר כל זעמו העם בחר לנחלה לו וארבע מאות וששה כי חטאנו לו אשר חמתי עלינו התגלגל שרי החילים אשר לו ולשלוח אשו במחמדי לבו יקבץ און לו עם איש בליעל אחר כשמו למעוז ולמחזיק לו ממשפחות כושים אמו . הללה תחשב לו למרוד ולקום עלי במרמה בז לדבר יחבל לו כי נגלה הדבר לשרים עבים סתר לו טד בא נדודיו הנכספים פרא בודד לו והיה ליעקב ויום עברה להשקים לו כי שכחתי בעשרי ליוצרי ולו אביז לו מועצותיו לאכול שאריתי אוה למושב לו צירים אחזוני כצירי יולדה נפש עמל עמלה לו יום לכד לי הים אויבי לא יאבה ה' סלוח לו ויצעק אהה על גולת אריאל בכה ויתהנו לו

דבקה רוחי אחריו נפשי יצחק בדבוריו הזכירו כי נשגב שמו וירם קרן לעמו ויהי באלף החמשה ינורתי חרבו הקשה זכור ה' למלך פורטוגאל שיתמו נדיבמו בגלגל חשב בלבו להשחית שרידי וישלח גדודיו לרדוף גדודי טמן פח לי ויהי נאמו ומאשפו הרימו יהיר זד לץ שמע אביו לא ידע אי מקומו כסף ווחב כנס בעצמה ושרי לא חאמינו לערמה לקרואים אליו אנשים שחורים ברח להתחבא ביערים מון אל זן נרדפים אשר יעד לו המלך להיות נאספים נהה נהי ועת צרה למי צום לעזרה סמר מפחד צרי בשרי הנחש השיאני ויצרי עים צבוע בעיניו נחלתי ולא זכר כי ה' אותי פחד קראני ורעדה כי הצורר לקחת נפשי צדה צדו צעדי ונפשי מרה לעצבי בצמא חשב להשיב בני בקרבי קשב רב קשב המלאך הנואל אלמן מאלהיו ישראל

לעמד שלה פריום כי לא יכול לו סור שור לעמך בלא הון נמכרים וחדלת מעזב לו נגילה ונשמחה בהוד גאוניך ועני ואין עוזר לו.

רועה ישראל אל נורא ואיום לעמך שלה פדי לעריו וצריו פיד יום כי לא יכול לו שוכן עד אדיר אדירים סור שור לעמך להעביר על ראשם המים המאררים וחדלת מעזב לו תכין לבם ותקשיב אזנך נגילה ונשמחה כי תושיע לך ימינך ועני ואין עוזר י

### אחר כל הדברים האלה ויהי חתת אלהים על הערים והמצור מעל הים הרים הליכות עולם לו

טח מראות עינם מהשביל לבותם מחשב להרע לו והוא השיב אחור ימינו וגמולו ישלם לו אלה מעלי רחקו לא דלתים ולא בריח לו אולי אכפרה בעד זדוני יעשה למחכה לו כי מכסה פשעיו לא ירצה עומדים ממעל לו וישת אל המדבר פניו בי חמאתי לו העומד על בני עמי חרפתו ישיב לו וימת לבו בקרבו שירו לו זמרו לו ויאמר אפאיהם ואקחם אלהים יראה לו לשרוף אניות מחוזי ברשפו המושל בכל אשר לו לולא נלחמו לי מו השמים וזרועו מושלה לו

נסו ואין רודף אותם והאלהים הפר עצתם יחלתי כמטר ישע מעוני כי נטבע עמי בעוני אם תוחלתי נכזבה זמותי נתקו ואלה במסגר אותי דחקו צום קראתי לכל המוני והאלהים ישא פני חמאתי אודיע ולא אכסה והיא לריח נחוח אשה קולי שמע משמי מעוניו ויטבר טל פניו אזי שלח למלאך רשומי ויך בסנורים מתקוממי בפחד פתאום אחור השיבו לבני ישראל עם קרובו ולא עצר כח להלחם בשבוי להם מטה לחם הרה עמל יום בקש בקצפו ולא ירא אלהים ואפו באתי במעמקי מים כשל כחי מדי יום ויומים

ומחדרים אימה אשר שם לו רכיל מגלה סודי לצרי נפשו ירעה לו תתחו נתחים אותו ויעזוב כל אשר לו עוד נפלו עלי אימים ואיז לחם לו בושש לבא לעזרתו ארוחת תמיד נתנה לו כי אכלתי במשקל לחמי על המו מעי לו קויתי אל הגוי הסורר ועל כל אשר יש לו עוב ה' אותו ובמה נוכל לו חמתו מעל עמו עבר אשרי העם שככה לו לא קצרה מהושיע ידך אם יתמהמה חכה לו היו לעמי רפואות צפונית גם פליטה לא היתה לו זה היום עשה ה' שם עולם אתן לו מקדם עלי נוראה בתהלה הודו לו ויושע מידו העם הכסוף עד בא אשר לו ויפרוש עלינו עננו להבטיחו במראה אש ונונה לו ואל נערד לפני מי כמוך באלים ה'.

בחוץ תשכל חרב בחימה כי הקשר בתוכי בעצמה נין עמלק היה בעוכרי להסגיר בערמה מבצרי דברו מדע ותהי נזרתו אבדון ומות תמורתו ויהי כי ארכו הימים כי רבו בטמי לוחמים דאבה נפשי כי ארובתו והרעב החל וארוחתו חרה ברעב בשרי ועצמי דגים מקום לחם אכל עמי זה היום אמר הצורר להיותו בביתו שורר קרוב אידו עת פקורתו מצאנו ראינו אהריתו שמע אלהים ויתעבר וחסרו הגדול עלינו גבר דמינו אלהים חסדד לכן אזכיר לעם ידידד בתשעה ברביעי שתי ספינות כי לולי באו ראשונות זכרו וכתבו עדת אמוני לעד לעולם לבני אתני בו אזכרה ידו הנפלאה אשירה לה' כי גאה גאה יום נער פרעה בים סוף זכרו מזרעו לא יסוף מכור הברזל לקחו ולא ימיש להאיר ארחו ביבשה עברו המוני אז שוררו נאמני

II.

CONFESSION AND PRAYER.

## וידוי ותפלה

אשר תקנתי אותם להתפלל בעת צר בבא עלינו גדודי מלך פורטוגאל והקב"ה הצילנו מידם.

רבונו של עולם, בהעלות לבבי כל יצוריו כולם, ויחלם והנה סלם מָצָב ארצה וראשו מגיע השמימה, לעלות בו לפני שוכן רומה, עפר מן האדמה, חשבתי דרכי לעלות ועונותי לא יעזבוני. השב רוחי לא יתנוני, סבוני גם סבבוני, אם נסעתי רגלי לילך לבית שוכן מעונים להפיל תפילה ותחנונים, וילכו לאחור ולא לפנים, כי הנני רמה ותולעה, רודף חטא ורשעה, רגלים ממהרות לרוץ לרעה, וכי אשא אל שמים ידי הנם בנפש העברות שקועים וביון החטאות טבועים על שלשים ועל רבעים, מה אעשה ולמי במפגיע אצו, אם בפי מלוכלכים בשבועת שוא, והידים ידי עשו, אמרתי כליותי יעצוני, ולתקן מְעָנָה יעזרוני, המה רמוני, ואבא היום אל העין אולי יראה בעוני, כי ידעתי לא נגעלו שערי דמעה לפני קוני, אל אלוה דלפה עיני, גם המה נפלו בתרדומות, כי אמרו איך לפני שוכן מרומות, תבאנה עינים רמות, אמרתי אערכה לפניו אמרים מתוקים, אולי חטאי יהיו נתקים, והדברים עתיקים, אזי פי השיבנו בדברים ברים, איך יתטהר איש שותה אמרים מרים, המים המרים המאררים לשוני וחכי יענו בי נעים ונדים, ועלי הם מעידים האיש לבוש הבדים, יעו שפתי בדמי חטא מגוללה, והלשון בחטאת לצון מגולה, וכל פה דובר נבלה. אמרתי אחלה נא פני ומצחי, ועליהם אשים מבטחי, אריד בשיחי, המה יבקשו מחילה על עוני מלפני שוכן מעוני אולי ישא פני, גם המה השיבוני איך יתרצה עבד זה לאדוניו ויעבר על פניו, העז איש רשע בפניו, לכן פיתתי לנפשי הטהורה, אולי תשפוך בעדי עקרה, והיא גם היא אמרה חוטא שבעולם אינך לדבר נכלם לפני אלהים חיים ומלך עולם, איך יעלה לפני שוכן רומה, אנוש תקותו רמה. הארץ הלזו הנשמה, כי טמאתני בטמאתיך, העבדתני בחטאתיך, הוגעתני בעונותיך, ולקול דבריה נאלמתי כרחל נאלמה, והחשתי כאמן דומה, ומשמע ומשא ודומה, על כן כל יצורי מעלה ומטה קראתי לרפאת מכאובי, ונפשי מרה לעצבי, חם לבי בקרבי, הורוני ואני אחריש למלתכם, כי ישר עלי עצתכם, אמצא חן בעיניכם, והגידו לי מה יהיה סם רפואתי לחבוש מחץ מכתי, העלנה על ראש שמחתי, ויענוני לכה ניעצך עצה בקש צדק בקש ענוה, והתרחק

מעונג ותאוה, אולי יש תקוה, פּי צדיק יהגה לענות, את עונותיך כאבך יעלה, כי גדול אלהים ועל הרעה נחם, ומודה ועוזב ירוחם, הוא יעלה מעלה למכתד, וממנו תצמח ארוכתך, וחיית אתה וביתך, ובשמעי את דבריהם הנעימים, הסבותי פני לאל שוכן מרומים, אל מלך יושב על כסא רחמים, אמרתי מלפניך אל נורא ואיום, אקוה פדיום, את הטאי אני מזכיר היום, גנבתי גזלתי מטמונים מונים פעמים שונים עשרת מונים, שמרתי כל ארחות פריץ בכל הארץ, ולא יראתי הכליון והחרוץ, ואלה תולדות פרץ, חמדתי ולא זכרתי כי אתה הוא העד והדן, כל תענוגי בני אדם בכל עת ועידן, ואלה בני דישן, חמסתי ואחרי ההבל עיני זנח גברתי בארץ ולא לאמונה היתה לראש פנה, מאסתי ניאצתי וידי היו דוחות עשרת הדברים הצחות הכתובים על הלוחות, עברתי עליהם ברוב פשעי וזדוני ולא שמתי למול פני אנכי ה', תרתי אחרי שרירות ורעיונים זרים ולכי לא ירים לא יהיה לך אלהים אחרים, אחרי הבצע הלכתי ואבחר אותו לי למנה, שכחתי ועיני לא פנה לא יהיה לך פסל כל תמונה, בחנתי משפטיך ומאסתי עושיהם החונף והרשע אהבתי והשתחותי לעובדיהם ולא זכרתי לא תשתחוה להם, איך מולך צור פּניו ישא איש המרמה אשר על קונו חסה ועובר על לא תשא, ממני כל טוב ומשוש יושבת כי לא שמרתי כבבת שמור את יום השבת, אל תפן לחטאתי ממרומך כי לא שמעתי בקול מורי האומרים לי בשמך כבד את אביך ואת אמך, אצדיק דינך הצדק אם עלי יחרה אף יען אשר עברתי על לא תרצח ואף לא תגנב ולא תנאף, איך אטהר לפני כליות חוקר כי לא שמתי לנגד עיני ערב ובקר לא תענה ברעך עד שקר, לפני זעמו איך אעמוד אם נתחיבתי ללמוד לא תחמד, את כל אלה עוללתי וכהנה וכהנה הוספתי תעבתי תעיתי ותעתעתי, מפלתי שקר וכל רע, הייתי כונס ואין לי אונס.

על חטא שחטאתי לפניך באונס, דברתי דופי בלי אונס ואסון ופי פערתי אל הלשון,

על חטא שחטאתי לפניך ברצון, רדפתי אחר כל המון חוגג ולבי בקרבי לא יתמוגג,

על חטא שחטאתי לפניך בשוגג, הלכתי אחרי שוא כאיש אשר לא אדון ורוחי בקרבי לא ידון,

על חטא שחטאתי לפניך בזדון, אשר סתרת בניתי ואשר בנית הייתי סותר ואין לי פותח,

על חטא שחטאתי לפניך בסתר, באש הפשעים עורי נחר וקלוי ועוד אשמי תלוי,

על חטא שחטאתי לפניך בגלוי, סוף דבר עונתי העלו למעלה לענה ורוש ולבי נרדם בעברות.

ואל אל לא ידרוש, המתנשא לכל לראש, אכן לישועתך קויתי הי כי לא אעבור בשלח ולשברי ויצרי רפואה תשלח כי אתה אל טוב וסלח, ועתה תיקר נא נפש עבדך בעיניך ונפש העומדים לפניך תכין לבם תקשיב אזניך, ולא תהיה נשפט אותנו על אמרנו לא הטאנו אבל חטאנו אנהנו ואבותינו אשמנו, ולכן אנו מתודים לפניך ואומרים אשמנו בגדנו. תם.

#### III.

#### PRAYER.

## ויעתר יצחק לה' את התפלה ואת התחנה הזארת.

רבון העולמים ואדוני האדונים אשר אין סוף לחכמתו ואין חקר לתבונתו המתאצל בהויתיו שהם נשמות לספירותיו וספירותיו מתפשטות בעולמות שברא ויצר ועשה. יהי רצון מלפניך שתשפוך עלינו רוח חן ותחנונים ותשמע תפלתנו ברצון ותענה לעתרתנו ברחמים ותפתח צנורות מי הבריכה העליונה, דרך רחובות הנהר אל קו האמצעי נהר יוצא מעדן להשקות את הנן ומשם יפרד על בני עמך להשקותם ולהחיותם, והיה לנו למנן ולצנה למעוז ולמסתר והגן בעדינו ובעד כל עמך בית ישראל. ...

יהי רצון מלפני אלהינו שבשמים בכח שמותיו הקדושים והמהורים לאמצנו ולברכנו ולברך את כל הקהל הקדוש הזה העומדים בדוהק ובצער הם ובניהם ונשיהם ותלמידיהם וכל אשר להם, מלכא דעלמא הוא יברך יתכון ויזכה יתכון וישמע פקול צלותכון.

מלך מלכי המלכים הקדוש ברוך הוא ישמרכם ויחייכם ומכל צרה ונזק יצילכם.

מלך מלכי המלכים יפתח לכם שערי ריוח והצלה ולא תוסיפו עוד לדאבה.

מלך מלכי המלכים יאריך ימיכם בנעימים ויושיעכם מכל צרים וקמים.

מלך מלכי המלכים ילהם את לחמכם וישמיד את כל אויביכם. מלך מלכי המלכים יעמוד עליכם לעזרה ויציא אתכם מכל צרה

וכל הקמים עליכם לרעה בין בים בין ביבשה.

מלך מלכי המלכים יעמיד עליהם רוח סערה ולא ישמע בקרבם כי אם תאניות ואניות כי נשברו האניות, יעלו שמים ירדו תהומות, נפשם תתמוגג מרוב דאגות. מלך מלכי המלכים יתן את כל אויביכם נגפים רפאים לרפאים וענקים נתקים ובסנורים יכם עד אשר ילאו למצא הפתח.

מלך מלכי המלכים יתן טללי אויביכם לחיצים ואבני אלגביש מן השמים יוריד עליהם עד השמידו אותם יצאו מן הבורות אל הבורות משביות החמדה לארץ שממה ונפלו מְשְׁחָקִים לעמקים וממרומות לתהומות ויכינו להם במדברות קברות לא ימלטו מן המות האבירים השוכנים בחדרים והעזים היושבים במצרים ואחר יסעו מחצרות לחצר מות ומצל גפנם לצל מות, ויסעו מקברות תאותם הרעה ויחנו בתבערה ושכבו על עפר כולם וישנו שינת עולם, ולכל בני הקהל הקדוש חזה צור ישראל יהיה לחם צור וחומה וישיב מהם האף והחימה, המלך ברחמיו ירחם עליכם ועל כן החיים והשלום יושיבכם ויפתח לכם הקדוש ברוך הוא ברחמיו וברוב חסדיו שערי אורה שערי ברכה שערי גאולה שערי דישה שערי הצלחה שערי ועד טוב שערי זכות שערי חמלה שערי חן שערי חסד שערי חיים שערי מובה שערי ישועה שערי כלכלה שערי כפרה שערי למוד שערי מזונות שערי נחמה שערי סמיכה שערי עזרה שערי פדות שערי צדקה שערי קוממיות שערי רפואה שערי רחמים שערי שלום שערי תפלה שערי תשובה, ויקיים בכם מקרא שכתוב ה' אלהי אבותיכם יסף עליכם ככם אלף פעמים ויברך אתכם כאשר דבד לכם וכן יהי רצון ונאמר אמן.

#### THE JEWS AND THE AMERICAN ANTI-SLAVERY MOVEMENT.

By Max. J. Kohler, A. M., LL. B., New York.

The dangers attending the historical treatment of periods barely past are obvious and must be recognized by every student, yet a consideration of them ought to allow for the fact that accurate details and particulars relating to any period can only be acquired and preserved at such time, and it is then that they can best be subjected to critical examination and correction. The great activity in the writing of the history of our Civil War and of its chief actors, which is so marked to-day, is doubtless largely due to the fact that numerous incidents well worth preservation will be lost to the historians, while many others will become discredited, unless they are set forth at once. Besides, we have to-day reached a point from which we can view with intelligent appreciation and judgment the deeds of '61, so that the mere fact that such treatises may occasionally involve praise or blame for some still in our midst, should weigh but little against these other considerations, in the mind of the historian whose sole purpose is to set forth the truth. It is believed that the present is the first attempt to treat of the important subject above named; it is hoped that the many errors such an attempt necessarily involves—of omission, which must be very numerous, as well as of commission, which, with the best intentions, cannot be wholly avoided-will find correction at no distant date.

The activity of the Jews in the War itself has been dwelt upon repeatedly, and was but recently set forth in the excellent and well-nigh exhaustive work published by our fellowmember, Mr. Simon Wolf.\* It was in the war that the antislavery principles triumphed and pro-slavery perished, but the work of arousing public opinion, of formulating and defining the issues, naturally preceded the firing on Fort Sumter, and it is with this stage of the movement that the present paper will deal.

The relations of the churches to the slavery question were for many years the subject of deep interest and heated discussion, and it may well be doubted if a single church other than the Jewish neglected to expound its attitude in the pamphlet and tract literature of the day. Early in the present century economic conditions had resulted in the classification of our states into "free" and "slave," the latter being those in which, economically, slave labor was profitable, and hence found its sanction in the statute-book. There then remained the question of the policy of the extension of slavery over newly acquired territory, and the policy of interfering with slavery in such states as desired to maintain it, with some minor questions growing out of these. course, the second of these problems was by far the more important, because if slavery be wrong and could legally be abolished, the former question was thereby determined also, while if slavery was morally defensible, or if no power existed to interfere with it in states which desired it, the policy of forcing prohibitory legislation upon new territory in which it was economically profitable, became of extremely doubtful expediency. For the practical politician and the voter the moral question as to the right or wrong of slavery became unimportant, in view of authoritative judicial decisions against the right to interfere with it in the slave states. Those who emphasized the moral wrongfulness of slavery could not escape the logic of the situation that no power existed to right this wrong. Only the development and growth of anti-slavery sentiments in the slave states could obviate these difficulties. Some of the anti-slavery men then

<sup>\*</sup> The American Jew, as Patriot, Soldier and Citizen. 1895.

favored publicly the dissolution of the Union, so that the North would not sanction slavery any longer, but this carried with it all the evils of a dismemberment of the country, while the slave territory would continue to remain proslavery. It was then that the slave states began their crusade for the increase of our domain so as to make new slave states out of it, for the effacement of the old landmarks between free and slave states, for the compulsion of the free states to assist in the maintenance of slavery, and finally for the dissolution of the Union by means of secession. These lastnamed attempts forced the North to self-defence, and led to the changed legal conditions as to power to interfere with slavery. Prior to these actions on the part of the South, the relations of the churches to slavery were peculiar. They were the greatfoundations of moral sentiment throughout the land; their precepts determined moral right and wrong for the community. But what advantage to any one could accrue from emphasizing the wickedness of slavery, if no power existed to enforce such determination? With few exceptions, then, the churches ignored the question. Naturally enough, the anti-slavery leaders turned against the churches for conniving at evil and, as is forcibly indicated by the title of one of their most widely read publications of the day, they regarded the churches as the "Bulwark of American Slavery." Strangely enough, there were also other grounds for regarding the description as an apt one, whether as applied to the churches generally or to the Jewish in particular.

That slavery has existed since pre-historic times is well known, but the institution of negro slavery in America has been traced back to the suggestion of a pillar of the church, Las Casas, who proposed it as a substitute for the enslavement of the American Indians, as the latter were rapidly becoming exterminated in consequence of Spanish oppression. Experience showed that the negroes were better able to endure the hardships of such a lot, but it is strange that the noble humanitarian sympathies of the churchman, which rebelled against the resulting physical degradation and injuries attending Indian slavery, should not have been touched by the moral and political degradation involved in the proposed substitute. Given the institution, it is not hard to account for the fact that so receptive and assimilative a people as the Jews should have adopted it from the peoples in whose midst they were living. The bearings of Jewish law on slavery and slavery among the Hebrew nation will be considered in another connection.

We find that in the early Middle Ages Jews were among those actively engaged in slave-trading, so little had the moral sensibilities of Europe been awakened on the subject.\* In America, Church and State practically combined in colonial times to force slavery upon the newly-settled colonies. Slave-trading was made a royal monopoly at first, so that different colonies were forced to take a certain number of slaves every year. Later the privilege was granted by charter to different companies, still later the public demands were satisfied by permitting all subjects to share in these advantages. Here and there protests were heard among colonists, but they were disregarded, and the English Government even directed the royal Governors to veto bills in some colonies directed against the trade, and to discourage all such opposition. In other places, the Government offered bounties to settlers in proportion to the number of slaves they possessed. With the exception of the Quakers, scarcely any except isolated individuals protested against slavery, or even recognized the moral wrong involved, until our Revolutionary War. The Jews settled in the American colonies were as actively identified with the institution as

<sup>\*</sup>See the chapter on "The Slave Trade" in Israel Abraham's admirable work on Jewish Life in the Middle Ages (pp. 96-101), Jewish Pub. Society, 1896; also articles in Real Encyklopädie für protest. Theologie und Kirche, von Herzog, Plitt und Hauck, Leipzig, 1884, vol. XIV, pp. 338-345; vol. VII, p. 233.

any other class of settlers. The Marranos, who settled in the New World soon after the discovery, do not appear to have differed from their fellow-settlers in this respect. Thus the Jews in Brazil doubtless had slaves, whenever they could afford to procure them, while the activity of Jewish masters whose slaves took part in the insurrections in Surinam proves that this was also the case in that colony.\* It will be noticed that the list of Jews settled in Barbados about 1680, published by Dr. Cyrus Adler, † almost in every instance described the settlers as owners of slaves, and the same is true of the old lists of inhabitants of New York as far as the Jewish names upon them are concerned. On a prior occasion, the writer had occasion to point out that there were Jewish slaveholders in New Netherland already in 1661, that at least one New York Jew early in the eighteenth century was engaged in bringing slaves over from Guinea, and others in selling them here, and that slaves belonging to Jewish residents were implicated in the Negro Plot of 1741.‡

At that time the earliest instance known to me in New York of the occurrence of the words "Jews and slaves" in the same sentence was in 1661, in a remonstrance from Governor. Stuyvesant against denying "Christians and employees of the company" a preference over "Spaniards and unbelieving Jews" in the matter of purchasing slaves arriving in New Amsterdam. I have since found the following earlier reference to the subject in an unpublished letter, contained in the New York State Archives at Albany, under date of July 24, 1653, from the Director of the Amsterdam Chamber of the Dutch West India Company to Stuyvesant: "As some of the Jewish nation who are associated with Juan

<sup>\*</sup>See chapter by Mr. G. A. Kohut in Simon Wolf's work, The American Jew as Patriot, Soldier and Citizen, pp. 462-473.

<sup>†</sup> Pub. Am. Jewish Hist. Soc. No. 1, pp. 105-107.

<sup>‡</sup> Ibid. No. 2, pp. 84, 82. See also an article entitled "New York Slave Traders," by Thomas A. Janvier, in Harpers' Monthly, January, 1895, p. 294.

<sup>§</sup> Translation of Dutch Records, vol. IV, p. 113.

Delino, colonists on said island (Curaçoa), did solicit our consent to purchase a few negroes if any were offered for sale in New Netherland and export them to Curaçoa, to promote as they pretend, their agriculture, we must inform your Honor that we have declined to grant their request, because the company did prefer to encourage first the population and agriculture of New Netherland, wherefore all servants ought to be kept there, and no one permitted to leave the country, if it ever shall arrive to any degree of grandeur, all of which we have sent for your instruction."

So also in Newport, the settlers were largely interested in the slave trade, and we find that the wealthy Jews there kept slaves and even carried them, in the cases of Aaron Lopez and Jacob R. Rivera, with them, into Leicester, Massachusetts, during the Revolution.\* Naturally enough, in the South, where negro slavery was more valuable economically, slavery was even more common among the Jews. Of course, the growth of democracy and economic conditions put an end to slavery in the North by about the beginning of the nineteenth century. In the South, with some isolated exceptions, the Jews continued to keep their slaves. Naturally, many of the founders of our country, even though they came from the South, recognized the evils of slavery and attempted to assist in doing away with it, and among these ought to be included Washington, Jefferson and Madison. When, shortly before the Civil War, Southern sympathizers grew aggressive, some among them of the Jewish faith appear to have pointed to the supposed fact that such noble philanthropists as Judah Touro sanctioned slavery, as conclusive proof that to keep slaves could not be wrong. This argument conclusively answers itself, and was refuted at the time, for instance, in Rev. Dr. G. Gottheil's stirring anti-slavery discourses delivered in Manchester in 1861. fact, however, the statement appears to have been unqualifiedly false as far as Touro is concerned, for we learn that not

<sup>\*</sup> Washburn's History of Leicester, p. 50.

only did he not favor slavery, but that he evinced his antislavery sentiments by the following noble acts: "The negroes who waited on him in the house of the Shephards with whom he lived for forty years, were all emancipated by his aid and supplied with the means of establishing themselves very respectably in the world. He never owned but one slave himself and, after training him to business, he gave him his freedom and a handsome sum of money, with which he bought a place, upon which he lived with his family very comfortably and independently."\*

As a body, however, the Jews in America took no action either pro or con on the slavery question, though many of the American churches either divided and formed separate organizations on account of this issue, or took a neutral position deprecating the abolitionist agitations. That even in the early "forties" Jews were numbered among the abolitionists also seems quite certain, though little in the way of names and details is at hand to sustain this claim at present. I find a Mr. Lazar, a German, presumably a Jew, referred to as active in the American and Foreign Anti-Slavery Society meeting held in New York, May 11, 1853 (thirteenth annual report, p. 192), and in the annual report of the Society for that year the attitude of the American Jews towards the question is thus described (pp. 114-5): "The Jews of the United States have never taken any steps whatever with regard to the slavery question. As citizens they deem it their policy to have every one choose whichever side he may deem best to promote his own interest and the welfare of his country. They have no organization of an ecclesiastical body to represent their general views, no General Assembly or its equivalent. The American Jews have two newspapers, but they do not interfere in any discussion which is not material to their religion. It cannot be said that the Jews have formed any denominational opinion on the subject of

<sup>\*&</sup>quot; Fragments of History," by A. E. Frankland, in American Jews' Annual for 1889, p. 33.

American slavery. Some of the Jews who reside in slave states have refused to have any right of property in man, or even to have any slaves about them. They do not believe that anything analogous to slavery, as it exists in this country, ever prevailed among the ancient Israelites. But they profess to believe that 'the belief of Abraham, enlarged by Moses and now acknowleded by the Jews, is one of purity and morality, and one which presents the strongest possible support for civil society, especially a government based upon principles of equality and liberty of the person. They believe that the coming of the King Messiah will be the signal for universal peace, universal freedom, universal knowledge and universal worship of the One Eternal.' The objects of so much mean prejudice and unrighteous oppression as the Jews have been for ages, surely they, it would seem, more than any other denomination, ought to be the enemies of caste and the friends of universal freedom."

But some years before this, in 1840, at the Anti-Slavery Convention held in London, at which Garrison, Birney, Jay and other leaders of the American movement joined forces with Clarkson, Brougham and the other famous English leaders in their endeavors to abolish slavery throughout the world and particularly in the United States, a noble champion of human liberty stepped forward to espouse the holy cause on behalf of Israel, and in earnest, moving language which fortunately has been handed down to us, Adolph Cremieux proclaimed that the Jews must needs be the enemies of human slavery, and that a Jewish sect, the Essenes, had been the first abolitionists.\*

On the other hand, Mordecai M. Noah was sitting at General Sessions in New York City about this time, in 1842, when abolition conventions were being held in that city, and he charged the Grand Jury to indict any who might advocate the dissolution of the Union or other revolutionary anti-

<sup>\*</sup> Proceedings of the General Anti-Slavery Convention, London, June 13 to 23, 1840, pp. 166-169.

slavery measures.\* What jurisdiction a state court had over such supposed offences, even though committed by the much hated and despised abolitionists, the learned judge did not explain. Meanwhile, Southern Jewish politicians were becoming even more ardent in behalf of slavery. The scholarly and brilliant Judah P. Benjamin became a leader of the proslavery forces of the United States Senate and then in Buchanan's Cabinet, long before he was even more conspicuously identified with the movement as a member of the Confederate Cabinet.† Nor were others backward among the Jews of the South in public life in espousing the same cause.

A German-Jewish visitor to our country pointed out already in 1862 that slavery was itself responsible in large measure for the fact that Jews devoted themselves so much more fully to public life in the South than in the Northern States.‡ Even in the North, as is well known, political expediency induced many to espouse ultra pro-slavery views, and so we find Henry M. Phillips, of Pennsylvania, in the House of Representatives a few years before the war, advocating the admission of Kansas as a slave state.

It was not, however, as Jews, but only as individuals, that the men who have been referred to espoused the pro-slavery cause; the Jewish community, as such, took no stand. Of course, if the question was one of morals, it was only through religious influences that the wrongfulness of the institution was likely to be emphasized. Yet it must be admitted that his Oriental customs and antecedents did not tend to make the Jew an enemy of slavery. Together with other Oriental nations, the Jews had possessed slaves, and regarded slaves as property. Moreover, the ideas of caste were strangely developed among Oriental nations, and accordingly among the

<sup>\*</sup>William Lloyd Garrison, 1805-1879. The Story of his Life, told by his Children. N. Y., 1889, vol. III, p. 54.

<sup>†</sup>See his brilliant reply to Fessenden in the U. S. Senate, Cluskey's *Political Text-book*, 1859, pp. 558-566. Also other speeches of his referred to in Wilson's *Slave Power in America*, vol. II, pp. 402, 455.

<sup>‡</sup> Benjamin: Drei Jahre in Amerika, vol. I, p. 47.

Hebrew we find different modes of treatment prescribed for the Hebrew slave and for the slave of alien birth.\* law and ethics demanded humane and kind treatment of the slave, and thus improved his condition over that of the slave among other Oriental nations, but there was wholly absent any recognition of the moral wrong underlying the institution. Thus we find in Maimonides' Code of Laws such provisions as the following: † "It is forbidden to give a document of manumission to a slave of Canaanite descent, and one who does so transgresses a law, for it says in the Bible, 'Forever ye shall hold them as slaves.' But if he is manumitted, he is free. But it is permitted to manumit him for a religious purpose—e. g., to complete the number ten necessary for divine service and the like; or, if it is a female slave, to prevent her from falling into vice." The spirit of prophetical teaching tended towards humaner ideas, but it was the influence of Occidental culture, rather than religious codes, which was responsible for the abolition of slavery. To such Jews, then, as found all moral and ethical principles embraced within the Book of Law, there was nothing inherently wrong in slavery. In a somewhat less marked degree, this was true also of other sects, so that we find the liberal in religion, particularly the Unitarian, in the van in the anti-slavery movement. So fully was this fact appreciated in the ante-bellum days that an editorial in an influential Jewish weekly of that day could be copied by the writer in this connection, in which Lincoln's anti-slavery views were ascribed to his religious infidelity, and the devout believer was called upon to vote against all heresies, and, therefore, against him. As there was, however, no Jewish synod in America, no declaration was presented by the Jews as such, pro or con, on this question. Individual Jews, even in the North, however, if they were at heart opposed to slavery, just before the war, generally

<sup>\*</sup>Mielziner, "Slavery among the Hebrews," American Jews' Annual for 1886.

<sup>†</sup> Hilchoth Abhadim, ix. 6.

avoided committing themselves on the question. For many the growth of abolitionism appeared to involve the dissolution of the Union. Business and trade policy also rendered such avowals inexpedient. Nor, many argued, need they feel called upon to take sides as to dangerous political issues. Still others deemed it wise policy to keep on good terms with Southern voters; still others were frightened by the revolutionary and impractical or anarchistic ravings of certain abolitionist leaders. In the South, too, it frequently became dangerous for residents who could afford to keep slaves, not to do so. Such conduct was regarded as suspicious, and carried with it social and business disadvantages. Besides, not infrequently slaves would be bought in order to prevent families from being divided, and in order to remove slaves from cruel masters. Evidence has been placed at the writer's command that there were Southern Jewish slaveholders whose conduct was thus actuated. Of course, there were undoubtedly a number who did not hesitate to express their antislavery sentiments, but even in the North their number was very small. Yet it could only be by awakening and developing the moral sense that converts to the anti-slavery cause could be gained. But here, also, as far as the Jewish pulpit was concerned, arose an additional danger, thoroughly appreciated at the time, growing out of carrying politics into the pulpit and the Jewish press. In spite of all these deterring influences, Jewish pulpit and press were destined, in some instances at least, even before Lincoln's inauguration, to proclaim on behalf of Judaism that negro slavery should not endure. The pioneer among Jewish pulpit leaders in this cause, and the one destined to bring the greatest sacrifices in its behalf, was Rev. Dr. David Einhorn.

Dr. Einhorn had accepted a call to the pulpit of the Har Sinai Congregation of Baltimore only a short time before he began, in 1856, to wage war against slavery. Scholarly, earnest and fearless, Dr. Einhorn had the courage of expounding his Reform views, in spite of almost insurmount-

able difficulties and dangers, in Austria. He proclaimed there the convictions and opinions which were the result of years of investigation and thought, and which he felt impelled by a holy calling to expound in order to preserve Judaism as a living faith. It was before the day when radicalism had become fashionable, and radicals like Einhorn were exposed even to the dangers of poisoning at the hands of fanatical opponents. Even these attempts could not silence Einhorn's fiery eloquence. Intrigues then accomplished what personal violence could not, and the Imperial Government was induced to close Einhorn's Temple at Pesth on account of its alleged revolutionary tendencies. But Einhorn scorned to adapt his views to the political expediency of the day, and preferred to be without a pulpit to being denied full liberty of speech. Such was the man who came to Baltimore, a city with strong pro-slavery sympathies, when the slavery agitation was becoming bitter; such a man could scarcely be expected to trim and harmonize and compromise with conviction and right, no matter what policy may have suggested.

Thus we find him in the German monthly which he founded, called Sinai, already in October, 1856, commenting upon the happy augury of the closing year of the formation of the new "Black Republican" party, whose purpose was to stem the progress of slavery. "We cannot share the fears," he says, "of those who think that the triumph of this party would lead to the dissolution of the Union, if only for the reason that if the Union in fact rests on such a thoroughly immoral basis, it would appear to be neither capable of surviving nor fit to survive." And he proceeded to point out that the spirit of Judaism, as opposed to its letter, demanded the abolition of slavery.\*

In the December number of that year appeared an article criticising this editorial utterance, over the name of Dr. B. Segnitz of New York, but this was itself annotated by Dr. Einhorn, and printed with the remark that no further room

<sup>\*</sup> Sinai, vol. I, p. 229.

would be afforded in the Sinai for the discussion of the subject (vol. I, pp. 353-8). In the following July, Dr. Einhorn once more gave way to the temptation of attacking slavery, this time in commenting upon the attitude of the Presbyterian Church on the subject. As he himself pointed out, he considers merely the religious, not the political issues involved, but he concluded his article with the statement that sooner or later the controversy would assume a purely religious character, a struggle between the letter and the spirit of the Bible, and that the letter of the Bible was opposed to slavery no more than it was to polygamy.\* Meanwhile events grew more and more serious, and the dissolution of the Union more and more imminent. Buchanan issued a proclamation in December, 1860, appointing January 4th, 1861, as a national fast day, on which prayers for the preservation of the Union were to be offered throughout the country. Jews joined their Christian fellow-citizens in the observance of the day, and conditions were everywhere discussed. It was this opportunity which Rev. Dr. Morris J. Raphall of New York seized, to proclaim on behalf of Judaism that slavery had the divine sanction of the God of Israel, and that those were ignorant babblers who invoked the higher law against slavery, since there could be no higher law than the Bible, and this ordained slavery. The lecture made a great sensation and was widely printed in the daily press and in pamphlet form. In a work now before me, entitled "Fast Day Sermons," the leading discourses of the day are collected, but unfortunately for the good name of Judaism, Dr. Raphall's sermon alone is printed as expressing the Jewish view of the subject. Dr. Raphall's remarks were not apologetic, but he took the square stand that Judaism sanctioned slavery and that the institution was morally right. Extreme as his position was, it cannot be regarded as original, nor did it lack

approval, for Dr. Isaac M. Wise\* in The American Israelite and Isaac Leeser in The Occident† expressed their approbation of his stand. Einhorn, however, threw restraint and policy to the winds in his righteous indignation at this perversion of the position of Judaism, and at such endeavors to stem the great moral awakening by appeals to religion against it. In uncompromising, rigorous, earnest and convincing terms, he exposed the fallacy of this stand, and assailed the pro-slavery Northern priest both from the pulpit and in the press. What though he did so in Baltimore, in a Slave State, to a congregation largely composed of proslavery men? Truth is truth and must find expression. Duty demanded that he speak! Not long before this, Lundy had been mobbed in Baltimore in days less trying, and Garrison had been imprisoned there for expressing and publishing his abolitionist views. Einhorn could not permit Judaism to be thus misrepresented. Of course, matters became more and more trying, and reached their climax at the time of the Baltimore riot, April 19, 1861. The city was in one furore of excitement, and mob-rule prevailed. Union soldiers and Union sympathizers were shot down, and Einhorn's friend, the editor of the German paper, Der Wecker, was mobbed for expressing similar abolitionist views. Soldiers, policemen and friends all warned Einhorn that his name was on the list of those proscribed and fixed upon by the mob. Friends came and begged that he, too, display the rebel flag from his house-tops, but he indignantly refused. So serious were matters becoming, that a volunteer guard of young men belonging to his congregation remained in his home, ready to shield him against the threatened assault. Then at length he yielded to the entreaties of the officers of his congregation to remove his family from the

<sup>\*</sup>As to Dr. Wise's position, see *The American Israelite*, vol. VII, pp. 172, 188, 205-6, 212, 220, 228, 230, 244, 254, 334, 396; *Jewish Record*, September 18 and 25, 1863, etc.

<sup>†</sup>As to Mr. Leeser's position, see *The Occident*, January 24, 1861, p. 268; January 31, 1861, p. 274, pp. 237-8, etc.

scene of danger, and silently home and belongings were abandoned in a flight from the city to a point of shelter, Einhorn insisting on returning as soon as his family was placed in safety. After a long and dangerous drive, Philadelphia was reached, but return to Baltimore was prohibited under martial law.

After remaining here for some time in enforced idleness, Einhorn prepared to return once more so as to be in his pulpit on Shabuoth. But when he ascertained that, in the form of recommendations, his trustees sought to deny to him liberty of speech and to prohibit treatment from the pulpit of the all-absorbing question, Einhorn indignantly threw up his position. Fortunately, soon after, he found a new sphere of activity in Philadelphia, in the Keneseth Israel pulpit, but after an ineffectual struggle, his periodical Sinai was forced to discontinue in consequence of the losses accruing from the espousal of the abolition cause. Of course, throughout the war Dr. Einhorn was an ardent patriot, and lost no opportunity to aid the Union cause. One of his sermons appears to have been translated into English and was sold for the benefit of the Sanitary Commission.\* Fortunately, Einhorn was not alone at the beginning of the war, in his espousal on behalf of Judaism of the anti-slavery cause. In Philadelphia itself, Rev. Dr. Sabato Morais uttered burning words of protest against slavery on behalf of orthodox Judaism, in spite of the pro-slavery sentiments of some of his congregation, who for a time even prevented him from speaking. He was tendered the position of Jewish chaplain during the War, but declined, and on account of his antislavery sentiments, he was elected an honorary member of the Philadelphia Union League Club, an honor he shared

<sup>\*</sup>Illinois Staatszeitung, May 22, 1861; Sinai, V, 379-380, VI, 2, 23, 45, 60, 135-142, 159, 162, 169, 180, 207, 232; VII, 31, 158, 319-20; Einhorn's Reden, edited by Rev. Dr. K. Kohler; Allgemeine Zeitung des Judenthums for 1861, 370-1, 386-9, 403, 449; August 5, 1862, p. 447.

with Dr. Einhorn.\* In Chicago, Dr. B. Felsenthal wrote earnestly against slavery in the Illinois Staats-zeitung, as well as spoke in the same manner from his pulpit, not being deterred from so doing by the protests of some of the Board of Trustees of his congregation. So also Dr. Liebman Adler delivered a series of eloquent sermons against the institution, subsequently published under the title Fünf Reden. Doubtlessly other American rabbis expressed similar views, especially as the war progressed, though a number -several of whom have already been named-continued to vent, though more guardedly, their pro-slavery sentiments.† But even across the Atlantic Dr. Raphall's sentiments aroused indignant protests. In Manchester, Rev. Dr. G. Gottheil immediately repudiated these supposed expositions of Jewish sentiment in a series of able lectures then published, entitled "Moses versus Slavery."

There were, therefore, many who, on behalf of Judaism and in its name, espoused the anti-slavery cause. Even before this, there were others who, as individuals belonging to the Jewish race, identified themselves with the antislavery movement. Thus we find that the late Judge Philip J. Joachimsen, as Assistant United States District Attorney for the Southern District of New York, successfully conducted a vigorous prosecution of certain slave-dealers, and thereby became a terror to those engaged in this inhuman traffic, whose horrors and the detestation with which it ought to be visited were never more vividly depicted than in Berthold Auerbach's Landhaus am Rhein. So also Moritz Pinner, now of New York City, became an active abolitionist worker in Missouri as early as 1856. The idea of starting an abolitionist paper in the Southern district where he was living appealed so strongly to him that he repaired to Boston, the headquarters of the leading aboli-

<sup>\*</sup>See, e. g., Jewish Record, May 8, 1863.

<sup>†</sup> See Jewish Record, June 5, 1863; Aug. 21, 1863; May 8, 1863.

See also Dr. Philippson's editorial utterances in the Allgemeine Zeitung des Judenthums.

tionists of the day, for advice, and there formed personal acquaintanceship with Theodore Parker, Wendell Phillips, William Lloyd Garrison and others. Here the plans for the proposed paper were perfected. Meanwhile he became a member of a committee of thirty-nine, which distributed gratuitously in the South 100,000 copies of Helper's book on "The Impending Crisis," designed to show that slavery was, economically considered, an evil, as well as morally. Mr. Pinner induced a Philadelphia printer to remove to Kansas City, and here, on January 1st, 1859, the first issue of an abolitionist paper made its appearance under Mr. Pinner's editorship. The name chosen was the Kansas Post, and it appeared in two languages, in the very heart of the slavery region. He was bitterly attacked and reviled, and attempts were made to frighten him away, but he stood by his post and did good service to the cause. After the paper had appeared for about eight months, Mr. Pinner gave up the editorship, his arrangement with the printer having been that he was to establish the paper and take all the risks attending this, and then turn it over to the printer when established. Under the arrangement with Mr. Pinner, it continued to be an abolitionist journal. Mr. Pinner was a delegate to the State Convention of Missouri in 1860, and joined with other German abolitionists to defeat certain overzealous pro-slavery men, and they also succeeded in breaking the unanimity of the Kansas delegation to the National Republican Convention for Bates. He was also a member of the National Republican Convention from Missouri in that year, and was a participator in a convention designed to secure concerted action among the Germans against slavery. This being secured, he did not attend the National Convention itself, but worked enthusiastically in favor of its candidate, and during the war in the field. There were also other Jewish members of the Republican National Convention which nominated Lincoln. Among these should be named ex-Judge Dittenhoefer, of New York, then a young enthusiast in the cause.

In Chicago, as early as 1853, a mob interposed in favor of a poor fugitive slave who had been arrested by the Federal authorities, and liberated him. The mob was led by Michael Greenebaum, and a mass-meeting was held that evening to ratify this act. Others followed, the first official call for a German mass-meeting in Chicago to join the Republican party being signed by George Schneider, Adolph Loeb, Julius Rosenthal and Leopold Mayer, four of the five signers having been Jews.\* Naturally enough, Dr. Raphall's outburst evoked answers from Jewish laymen as well as rabbis. A forcible and scholarly reply to Raphall's exposition of the Bible view of slavery was written by Michael Heilprin, appeared in the New York Tribune, in January, 1861, and aroused much interest.† Still another vigorous exoneration

\*Simon Wolf's The American Jew, pp. 425-6.

†The few lines devoted above to M. Heilprin's services in this cause do not give any adequate idea of their value and importance. Raphall's lecture was being reprinted repeatedly in the newspaper press and in pamphlet form by Southern sympathizers. friends and enemies of the cause outside of the Jewish camp accepted Raphall's statements as correctly representing the Jewish view. The result was that much disgrace fell upon Judaism itself. The leading New York Anti-Slavery daily, the Tribune, printed extended editorials on the subject of Raphall's lecture on January 7, January 9, January 16, and January 22, 1861. They contained not merely strictures on Raphall, but on Judaism, whose attitude it was assumed he correctly expressed. The other Jewish Anti-Slavery pioneers were not in a position to reach the general public, in their vehement repudiation of these pro-slavery views, for naturally enough, the Jewish pulpit and the Jewish press had little opportunity to command non-Jewish hearers and readers. It was at this stage that Michael Heilprin's fiery denunciation and scholarly refutation of Raphall's views appeared in the N. Y. Tribune, on January 16, 1861. His utterances and the fact of his refutation of Raphall's claims were at once editorially recognized in the Tribune, and thus endorsed, his three column article attracting the widest attention. Seldom has a more crushing response appeared anywhere. Those were not the times for mincing words, and Raphall was treated in the most scathing manner. The theological, philological and historical arguments were no less of the Jewish Bible from the charge of favoring slavery was written by Dr. Eisler of New York for the New York Democrat.

The preceding will show some of the numerous influences at work among the Jews of the United States in favor of the abolition movement. These agitations were in part responsible for the fact that Jews were so well represented among the Union soldiers on the battlefield, a proportion extraordinarily large. Of course, when the Union was in danger, many who loved the country stood up in its defence who were not primarily anti-slavery men. But the earlier agitation had been a moral one, and had apparently insurmountable legal difficulties in the way of its realization. Yet the course of events swept these away, impossible as it at first appeared to be. That Judaism contributed its share to the awakening and development of these moral forces and sentiments, none conversant with the facts can deny. All gratitude to the men whose unselfish and disinterested enthusiasm made such a moral awakening of the people possible.

convincing. As the paper was, however, merely an answer to Dr. Raphall's lecture and its arguments, it would answer no useful purpose to reprint the answer without reprinting also Dr. Raphall's in extenso; this space will not permit.



# DOCUMENTS RELATIVE TO MAJOR DAVID S. FRANKS WHILE AID-DE-CAMP TO GENERAL ARNOLD.

BY ABRAHAM S. WOLF ROSENBACH, Philadelphia.

T.

[From Letters and Papers relating chiefly to the Provincial History of Pennsylvania (by Thomas Balch), Philadelphia, privately printed, 1855. The Shippen Papers, pp. lix, lx, lxi.]

"Major Franks, of the Revolutionary army, was a wellknown acquaintance of my parents," says Mrs. Gibson. "He was respected and welcomed wherever he went, for his social good humor and manly candor. In one of his visits to Philadelphia, where his near relations resided, he was often at my father's, and one day, when dining with other gentlemen at our home, and my father and the others had retired to the parlor, my mother detained Major Franks to converse with him respecting Mrs. Arnold, whom she had recently heard very unjustly spoken of. He entered upon the subject with alacrity. Mamma said to him, 'Tell me, Major Franks, what is your opinion and belief concerning her knowledge of her husband's plans.' He quickly replied: 'Madam, she knew nothing of them,-nothing! She was ignorant of them as a babe.' His manner was solemn and earnest, and I began to think it might be proper for me to withdraw, but he said, 'Don't let Betsy go-I have nothing to say she may not hear.' Of course I gladly resumed my seat at table, and he went on:- 'Madam, I am glad you have mentioned this subject. I have much to say. I am much distressed by it. Within a few days I have heard for the first time things said of her that are contrary to truth-false!- utterly false! You know I was one of General Arnold's aids. He paid me the compliment to assign me the particular duty of protecting Mrs. Arnold—of attending to her safety, her general welfare and her health. I was, in the General's family, laughingly called 'the nurse!' Her health was then delicate, and while Gen. Arnold was in command of West Point he frequently sent her to different, and sometimes distant parts of the country, on that side of the river. always sent a guard with her, besides her female attendant, and gave me very particular charge over her welfare. spoke of her suffering in the bustle of the camp and wished her to be relieved of it during the summer. I obeyed, nothing doubting, but considering him a pattern for a husband, although other and far different motives for sending her away on these excursions afterwards came to light. But, Madam, she knew nothing of his projects. In truth, she was subject to occasional paroxysms of physical indisposition, attended by nervous debility, during which she would give utterance to anything and everything on her mind. This was a fact well known amongst us of the General's family, so much so as to cause us to be scrupulous of what we told her, or said in her hearing. General Arnold was guarded and impenetrable to all around him, and I should believe her to have been ignorant of his plans even without my knowledge of this peculiar feature in her constitution; but with it, such a strong corroborative proof, I am most solemnly and firmly convinced that General Arnold never confided his detestable scheme to her. He could not have ventured to do it. He was, moreover, too well aware of her warm patriotic feelings. You know, Madam, how completely she was American at that important period. Madam, I can aver solemnly she was totally ignorant of his schemes."

II.

Proceedings | of a | General Court Martial | of the Line, | Held at Raritan, | in the State of | New-Jersey, | by Order of His Excellency | George Washington, Esq. | General and Commander in Chief | of the Army of | The United States of America, | For the Trial of | Major General Arnold, | June 1, 1779. | Major General Howe, President. | Published by Order of Congress. | Philadelphia: | Printed by Francis Bailey, in Market Street. | M.DCC.LXXX.

This rare and valuable pamphlet (Congress ordered that but fifty copies be printed) is of much interest, as it bears directly upon the relations of General Arnold and his aid, Major David S. Franks, before the traitor's final flight in September, 1780.

Major General Arnold was tried on eight specific charges of misconduct while in command of Philadelphia. The second charge, i.e., "In having shut up the shops and stores on his arrival in the city, so as even to prevent officers of the army from purchasing, while he privately made considerable purchases for his own benefit, as is alledged and believed," brought forth the following testimony (pp. 10-11).

"On the seventh day of May, A. D. 1779, before me, Plunket Fleeson, Esq., one of the justices, etc., for the city of Philadelphia, comes colonel John Fitzgerald, late aid de camp to his excellency general Washington, and being duly sworn according to law, deposeth and saith: That on the evening of the day on which the British forces left Philadelphia, he and major David S. Franks, aid de camp to major Arnold, went to the house of miss Brackenberry, and lodged there that night; and the next morning, major Franks having gone down stairs, the deponent going into the front room of the said house, to view colonel Jackson's regiment then marching into the city, saw lying in the window two open papers; that on casting his eyes on one of them, he was surprised it contained instructions to the said major Franks to purchase European and East Indian goods in the city of Philadelphia, to any amount, for the payment of which the writer would furnish major Franks with the money, and the same paper contained also a strict charge to

the said Franks not to make known to his most intimate acquaintance that the writer was concerned in the proposed purchase; that these instructions were not signed, but appeared to the deponent to be in the handwriting of major general Arnold, whether or not there was a date to it the deponent doth not recollect; that the other paper contained instructions signed by major general Arnold, directing major Franks to purchase for the said General Arnold some necessaries for the use of his table; that the deponent compared the writing of the two papers and verily believes that they were both written by major general Arnold's own hand; that soon afterward major Franks came into the room and took the papers away, as the deponent supposes. And further the deponent saith not.

John Fitzgerald.

Sworn before me the date aforesaid, Plun. Fleeson.

After the testimony of Timothy Matlack, Esq., "the judge-advocate produced major Franks, aid-de-camp to major general Arnold, who was sworn. (December 24, pp. 11-12.)

- "Q. On General Arnold's arrival in Philadelphia, do you know whether himself or any person on his account, made any considerable purchases of goods?
  - "A. I do not.
- "Q. At or before general Arnold's arrival in Philadelphia did you receive orders from general Arnold to purchase goods, or do you know of general Arnold's having given orders to any other person to make purchases of goods?
- "A. I did receive from general Arnold that paper which colonel Fitzgerald has mentioned in his deposition. There are circumstances leading to it which I must explain. I had, by being in the army, injured my private affairs very considerably, and meant to leave it, if a proper opportunity of entering into business should happen. I had several conversations on the subject with general Arnold, who promised me all the assistance in his power; he was to participate in

the profits of the business I was to enter into. At that time, previous to our going into Philadelphia, I had several particular conversations with him, and thought that the period in which I might leave the army with honor and enter into business. I received at that time, or about that time, I think several days before the enemy evacuated the city, the paper mentioned in colonel Fitzgerald's deposition that was not signed, as well as the other. Upon our coming into town we had a variety of military business to do. I did not purchase any goods, neither did I leave the army. The paper was entirely neglected, neither did I think anything concerning it until I heard of colonel Fitzgerald's deposition. General Arnold has told me since, which is since I came from Carolina some time in August last, on speaking about the paper, that the reason for his not supporting me in business was, supposing that I had left the army, it was incompatible with his excellency's instructions and the resolution of congress.

"Q. court. Did general Arnold ask you upon his coming into Philadelphia, or at any time after, why you had not executed the contents of the paper?

"A. He did not.

"Q. court. What day did you arrive in Philadelphia?

"A. The 18th day of June, in the evening, the day the enemy left Philadelphia.

"Q. court. Are you certain that the order for purchasing the goods was given to you several days before you went into Philadelphia?

"A. I cannot be particular as to the time; it might have been three, four, five or twenty days; but it was some time before.

"Q. Previous to the enemy evacuating the city of Phi ladelphia, did you understand from general Arnold that he was to have the command in the city, on the evacuation taking place?

"A. I did; but it was a short time before, I believe a day or two. The general, on his return from headquarters, men-

tioned it was hinted to him at general Washington's that he should, when the enemy evacuated Philadelphia, have the command, and desired me not to mention it.

- "Q. Were the instructions to purchase goods given to you before the general mentioned this matter to you?
  - "A. I believe they were, though I am not certain.
- "General Arnold's question. Were not my minute and invoice books always open to your inspection?
  - "A. They were.
- "Q. By do. Had you any reason to suppose that any purchases were made directly or indirectly by my orders or on my account, previous to the opening of the stores?
  - "A. No.
- "Q. By do. Did you not suppose my showing you the instructions from general Washington to me, previous to your going into the city, a sufficient countermand of the order I had given you to purchase goods?
  - "A. I did not form any supposition on the subject.
- "Q. By do. For what purpose were you sent into the city before me?
- "A. To procure quarters and to provide necessaries for the family."

The third charge was, "In imposing menial offices upon sons of freemen of this state, when called forth by the desire of congress to perform militia duty; and when remonstrated to hereupon, justifying himself in writing, upon the ground of having power so to do; for that, 'when a citizen assumed the character of a soldier, the former was intirely lost in the latter; and that it was the duty of the militia to obey every order of his aids (not a breach of the laws and constitution) as his (the general's) without judging of the propriety of them.'" Major Franks is directly responsible for this charge, for, as Timothy Matlack writes to General Arnold, "The militia serjeant who attended at your quarters on Sunday, complains that major Franks, one of your aids, had given

him orders to call his barber, which order was obeyed; that on the barber not appearing the order was repeated, and the serjeant, though hurt by the order itself and the manner of it, again obeyed; he also informs me that he has, this morning, made you acquainted with the complaint, and that you had been pleased to say that every order given by you or your aids is to be obeyed. This, I suppose, must intend every proper order . . . . (p. 12.)

Mr. Matlack writes on October 10, 1778, that "the calling of Major Franks' barber to dress his hair was the office of a menial servant, not the duty of a soldier; and I still think it an indignity to a free citizen to be ordered to go on such an errand," etc. General Arnold wrote (p. 14) in reply, de-

fending Franks:

Major Franks, my aid-de-camp, to the orderly serjeant, your son.' Without examining into the propriety or impropriety of the order, about which we may differ, I perfectly agree with you that the delivering of it in a haughty, imperious or insolent manner is blameable; and if the serjeant had so represented it to me at the time he would have had justice. The affair is now out of my hands and lies between the serjeant and the major. If the latter hath behaved amiss, it is his duty to make reparation. I trust I never shall countenance pride or insolence to inferiors in him or any other officer under my command. Let me add, that disputes as to the rights of citizens or soldiers, in conjunctures like the present, may be fatal to both.

I am, Sir,

Your most obedient, humble servant, B. Arnold."

Philadelphia, October 12, 1779. Timothy Matlack, Esq.

"After the reading of these letters, the judge advocate produced Mr. William Matlack, who, having affirmed, says,

- "Q. Did you attend at general Arnold's quarters in Philadelphia as an orderly serjeant from the militia?
  - "A. I did.
- "Q. Did you receive an order from major Franks, aidde-camp to major general Arnold, while you attended in that station, to fetch a barber?
- "A. I received my first order from a servant girl, who came and asked me if I was an orderly serjeant? I told her I was. She said major Franks' orders were that I should fetch his barber; which order I obeyed, as supposing it to come from him. Soon after my return major Franks came to where I was stationed and asked me whether I had been for his barber. I told him I had, but he was not at home, and that I had left the orders that were necessary for his coming up as soon as he should come home. Major Franks then said, he did not believe he would come, and then went away. Some considerable time after, he came again and said he did believe he would come, and he believed I had better go again; to which I made no reply, but walking back in the entry, after a few minutes, I asked a Negro man if it was customary to give such orders to the orderly serjeants. He said it was. I then replied that major Franks ought to consider that the militia could not be expected to do such duty, or words to that purport. Major Franks then came out of a back room and said, serjeant, I thought I had ordered you to go for my barber. I told him I had received no such order. He then asked me why I did not go. I told him I waited his orders. He then told me to go, and I told him, with his orders I would go, and did go. Major Franks, on my return, asked me if I had been. I told him I had and left the same orders as before. In the morning I made a complaint to the general, nearly in them words, and he informed me it was customary for serjeants to do such duty, and gave me to understand, not in an abrupt manner, that if I did not like such duty I should not have come there. The general said, at the time,

that if major Franks had insulted me at the time he gave me the orders it was wrong and he did not approve of that.

"General Arnold's question. Q. Was any menial office imposed upon you, or upon any orderly serjeant, to your knowledge?

"A. I conceived the office that was imposed on me as menial; and the orderly serjeant who stood at the same time with me, belonging to the continental troops, complained of major Franks giving him a small bundle of paper in his hand, bidding him follow him, which he did, and upon his coming to a house a small distance off bid him give him the bundle of papers and return; which the man complained of to me, when he returned, as an insult."

With respect to the second charge against him (above), General Arnold produced Major Franks' and Major Clarkson's deposition, which was read, and is as follows:

"WE do certify, that when the shops in this city were shut in June last, by order of major general Arnold, in consequence of a resolution of Congress of the 4th June, we do not know of general Arnold's making any purchases of goods of any kind, directly or indirectly, and we have every reason to believe that no such purchases were made either by general Arnold or his agents, except a few trifling articles to furnish his table and for his family's use, most of which were supplied by the quartermaster or commissary. General Arnold's invoices, minute and account books being always open to our inspection, confirms us in our belief as mentioned above.

M. CLARKSON, Aid de Camp. DAVID S. FRANKS, Aid de Camp.

"On the third of March, 1779, personally appeared before me, the subscriber, one of the justices of the peace of the city and county of Philadelphia, M. Clarkson and David S. Franks, and being both duly sworn, do declare the above to be true, to the best of their knowledge.

BENJAMIN PASCHALL."

- "Q. To major Franks. Were you present at justice Paschall's when major Clarkson made oath to the contents of the paper you have heard read?
- "A. I was, and that is the paper which Major Clarkson signed, it having been written by him.
- "Q. By general Arnold to major Franks. What do you know about the shutting up the shops and stores in Philadelphia?
- "A. The day after I came into town, which was the day General Arnold came, general Joseph Reed, who is now president of the state of Pennsylvania, and myself met. He told me that they were selling goods in town, and advised me to send a crier round to prohibit the sale of goods. I at first agreed to it, but afterwards thought I was doing more than I had a right to. I met him again and told him that I would put it off until general Arnold came. When general Arnold came to town, general Reed came to his quarters, and upon consulting with him, wrote a proclamation, which I think was the same that was published, with some alterations.
  - "Q. court. Were the alterations made in it, material?
  - "A. I believe not.
- "Q. Are you positive that general Reed drew up the proclamation?
- "A. I saw general Reed at the table drawing it up; general Arnold and Mr. Boudinott were in the room at the time.
- "Q. By general Arnold. Do you know of my having given licenses to purchase goods, though appplications were made by my intimate friends for them?
- "A. I do not know of your intimate friends having asked for licenses to purchase goods, but I know that many applications were refused, and I know of no licenses being granted to any person to purchase goods.
- "Q. By do. Do you know at what time the shops and stores were opened and everybody permitted to purchase?
  - "A. I do not know the particular time.

- "Q. By do. Do you know whether general Arnold, or any person by his orders, directed any goods to be laid by for his use?
- "A. No, except some trifling articles from the commissary and quartermaster.
- "Q. By general Arnold. Do you know of any articles being laid by, except some trifling articles for my own use, the use of my family, for general Washington and for one or two other officers?
- "A. No, except two pipes of wine, which were afterwards drank in the family.
- "Q. By general Arnold. Do you know whether the two pipes of wine were purchased or laid by previous to the shops being opened?
- "A. I don't recollect that they were purchased before the shops were opened.
- "Q. court. Do you know whether any of the articles that were laid by, were taken from the shops previous to the legal opening of them?
  - "A. I do not.
- "Q. By general Arnold. Were not all the articles of clothing of consequence that were supplied me, which are mentioned to have been for general Washington and several other officers, as well as myself, supplied by the clothier general or his agent?
  - "A. I believe they were.
- "Q. By do. Do you know what time Congress arrived in Philadelphia?
  - "A. I do not. They were there the fourth of July.
  - "Q. By do. Were not the shops open at that time?
  - "A. They were.
- "Q. By the court. Do you know whether general Arnold purchased any part of the Charming Nancy or her cargo?
- "A. I do not know of my own knowledge, but I have heard general Arnold say he did, and I have also heard Mr. Seagrove say he did.

- "Q. court. Was it previous or subsequent to general Arnold's granting the pass?
  - "A. It was subsequent.
  - "The court adjourned until to morrow eleven o'clock."
- (December 30.) By General Arnold to Major Franks in respect to the first charge, i. e. "That while in the camp of general Washington at Valley Forge last spring he gave permission to a vessel belonging to persons then voluntarily residing in this city with the enemy, and of disaffected character, to come into a port of the united states, without the knowledge of the authority of the state, or of the commander-in-chief, though then present." (pp. 28–29.)
- "Q. By ditto to major Franks. Do you know Mr. Seagrove's general political character?
- "A. I knew nothing of his political general character of my own knowledge, previous to your giving the protection for the Charming Nancy, but I have understood that he was considered as a whig. Since that period I have been in actual service with him.
- "Q. By do. Do you know the political general character of the persons who were owners of the Charming Nancy previous to my giving the protection for her?
- "A. I never knew either mr. Shirtliff or mr. Constable before I went to Philadelphia, or saw them in my life before, that I remember. I knew mr. Shewell before the protection was granted, and always supposed him to be well affected to America. He was in one of the militia companies in Philadelphia some time before the enemy got possession of it.
- "Q. court. Did he tell you his reasons for staying in Philadelphia?
  - "A. He did.
  - "Q. court. What were they?
- "A. The impracticability of removing at the time, his wife having been brought to bed and dangerously ill. He told me frequently that his intentions were to remove out of town.

"Q. By general Arnold. Did captain Shewell inform you that he had taken the oath of allegiance to the state of Pennsylvania previous to my granting him the pass?

"A. I think he did, and said previous to the time directed by the state of Pennsylvania; and I understood from him that he had taken it out of town, and had a certificate of it.

"Q. By the court. Did he inform you at what place and before whom he took the oath of allegiance?

"A. He did not that I remember.

"Q. By general Arnold. Did you understand at the time captain Shewell applied to me for the protection, that he produced to me a certificate of his having taken the oath of allegiance to the state of Pennsylvania, agreeable to law?

"A. I don't know what passed at the time, but I understood from him at that time that he had a certificate of that nature.

"Q. court. Did you understand how long mr. Shewell had been out of Philadelphia before he obtained the protection from general Arnold?

"A. He was time enough out to take the oath of allegiance to the state of Pennsylvania, as I understood from him, which was ordered to be taken, I think, by the first of June. I know that Mr. Shewell gave his vote at an election in Philadelphia, which he would not have been permitted to give, had he not procured a certificate of his having taken the oath of allegiance by the first of June."

"With respect to the fifth charge ['the appropriating the wagons of this State, when called forth upon a special emergency last autumn, to the transportation of private property and that of persons who voluntarily remained with the enemy last winter, and were deemed disaffected to the interests and independence of America,'] major Franks, produced in behalf of the general, says, (pp. 28–29) That he went to colonel Mitchell's by desire of general Arnold, to know whether he could spare him some waggons to

transport some goods that were in danger of falling into the enemy's hands at Eggharbour. He was told, either by colonel Mitchell or his clerk, that waggons could not be spared at the time, but that soon it might happen, as they expected a number of waggons in town; he brought that answer to general Arnold, and some days after general Arnold told him to go to the quartermaster's to inquire, and see if possible the waggonmaster, who was to conduct a brigade of waggons for him, and to order them to go to Egg harbour or the forks, and there to take a captain Moore's directions respecting what he was to do. When he got to the office he wrote a letter ordering the waggonmaster so to do, and signed it officially; after which the waggonmaster went.

- "Q. by general Arnold. Were not frequent applications made for the waggons before I procured them?
- "A. I went once myself, as I have said before, and I believe major Clarkson went once or twice, and I believe you went yourself. It appeared to me several applications had been made for them.
- "Q. By do. Did you not view the request made for the waggons of a private nature, and not officially?
- "A. I understood you were to pay for the wagons for the transportation of the goods, and that it was a matter of favor in colonel Mitchell to let you have them.
- "Q. do. How happened it that you signed the order to Jeffe Jordan officially?
- "A. I had no particular directions from you so to do; that from custom I always signed aid-de-camp at the end of my name; I myself might have probably thought at that time that it might have been the means of his executing the order with more alacrity, as dispatch was necessary.
- "Q. By general Arnold. Do you know of my sending to colonel Mitchell for the account of the hire of the waggons, previous to any charge or publication made against me?
- "A. I do; I went once or twice myself, and I believe you sent major Clarkson.

"Q. By do. When I went to camp in February, 1779, was not money left with major Clarkson for the purpose of paying for the waggons, and orders given to him accordingly?

"A. I think, before we set out to go to camp, the waggon-master brought an account against you for the hire of the waggons. You told the man to get it certified by colonel Mitchell, to come in the afternoon with the certificate and you would pay him. Whether he came in the afternoon or not I cannot say, but we set out for camp, and you informed me that you had left money with major Clarkson to discharge that account. Clarkson told you when you returned, that he had not paid the money, as the man had not called, or that he could not find him.

"Q. court. How long was the account presented for the hire of the waggons before you set out for camp?

"A. I believe two or three days.

"Q. By court. Was that the first time the account had been presented to general Arnold?

"A. I think it was, as there had been frequent applications made for the account and it could not be procured.

"Q. By ditto. Did you at any time, through the course of the transaction, understand that general Arnold officially employed these waggons?

"A. I understood that general Arnold was to pay for the waggons, that he got them as a favor, and that they were not to transport public stores, but private property for himself and friends, and that he did not order them officially.

"Q. By ditto. When you went to Colonel Mitchell for the waggons, did you inform him that they were wanted to transport private property?

"A. I did. I told him that the goods were in imminent danger, and told him that the loss of so many goods would be a loss to the continent, as we wanted goods."

Although not connected with the subject of this paper, another Jewish name occurs which may be of interest. In

Dr. Friedenwald's paper we read as follows: "A Miss Levy, who is granted a pass to go into New York, a proceeding which, because of its nonconformity with a previous resolution of Congress, causes Major Clarkson considerable trouble."\* It is curious to note that this pass was the basis of one of the charges against General Arnold. We quote from the pamphlet (p. 50), General Arnold,

"As to the sixth charge, (p. 5) purporting that by my recommendatory letter to general Maxwell to grant a pass to miss Levy to go to New-York I had violated the resolve of congress and usurped the authority of the state of Pennsylvania. To attempt a serious refutation would be as ridiculous as the charge itself. Let the letter wrote on this occasion speak for itself. I kept no copy of it, but well remember the purport, which was nearly as follows:

"Sir,

The bearer, miss Levy, is a young woman of a good character, who has an aged parent that is blind, depending on her for support; she has money due to her from people in New-York, and wishes for a permission to go there for the purpose of collecting it, for the relief and support of her mother, who will be greatly distressed without it. I believe she will not make an ill use of a pass, if granted to her.

I am sir,

Your humble servant,

"General Maxwell.

M. CLARKSON."

### "January 26.

"The court met agreeable to adjournment, and having considered the several charges exhibited against general Arnold, the evidence produced on the trial, and his defence, are of opinion, with respect to the first charge, that he gave permission for a vessel to leave a port in possession of the

<sup>\*</sup>Pub. Am. Jewish Hist. Soc. No. 1, "Jews in the Journal of the Continental Congress," p. 88, Journal of Congress, Feb. 2, 1779.

enemy, to enter into a port in the united states, which permission, circumstanced as he was, they are clearly of opinion he had no right to give, being a breach of article 5th, section 18th of the rules and articles of war. Respecting the second charge, that although it has been fully proved that the shops and stores were shut by general Arnold's orders on his arrival in Philadelphia, they are of opinion that he was justifiable in the order by the resolution of congress of the 5th June, 1778, and his excellency the commander in chief's instructions of the 18th of June, 1778; and with respect to the latter part of the same charge, the making considerable purchases while the shops and stores were shut, they are clearly of opinion that it is entirely unsupported, and they do fully acquit general Arnold of it. They do acquit general Arnold of the third charge, etc, . . . The court, in consequence of their determinations respecting the first and last charges exhibited against major general Arnold, do sentence him to receive a reprimand from his excellency the commander in chief.

Robert Howe,

Major General, President.

JOHN LAURANCE, Judge Advocate.

The court adjourned without day."

#### III.

Major David S. Franks served in the capacity of aid-decamp and secretary to General Arnold from May, 1778, until the "perfidy and flight" of Arnold in 1780. Interesting particulars in reference to the treason of Arnold and the vindication of Franks may be found in "Jews in the Journal of the Continental Congress," by Dr. Herbert Friedenwald.\* Although many writers have referred to the proceedings of the trial of Colonel Varick and Major Franks, they were not published until 1882, and they threw much additional

<sup>\*</sup>Pub. Am. Jewish Hist. Soc. No. 1, pp. 65-89.

light upon a subject that had been worn almost threadbare, correcting impressions created by Sparks, Sargent and others in the same field. The proceedings were published in the Magazine of American History, November, 1882 (Vol. VIII, pp. 717 to 733), with comment and notes, by Mr. H. P. Johnston. The article was entitled Colonel Varick and Arnold's Treason. We give extracts below only in so far as they relate to the conduct of Major David S. Franks, the proceedings of his trial being the most important document we have concerning that officer's checkered career.

"Although the arrest of Colonel Varick and Major Franks\* was a mere formality, not to be followed by court martial, and no one acquainted with them suspected complicity on their part in Arnold's schemes, they were too jealous of their honor and reputation as faithful officers not to demand an investigation of their conduct while in Arnold's family. . . . On November 2, 1780, a court met at West Point, composed of Colonel Van Schaick, of New York, President, and Lieutenant-Colonels Colb of Massachusetts and Dearborn, of New Hampshire, Major Reid, of Hazen's regiment, and Captain Cox, of New Jersey, members. Necessarily the proceedings were of an ex-parte character, consisting of affidavits of prominent officers testifying their firm belief in the innocence and integrity of the two aids, and their own representations of their conduct and conversations at Arnold's headquarters. As they and their friends expected, the case was clear and conclusive in their favor. Colonel Meade, among others, declared that, sensible of their questionable position after Arnold's flight, both Varick and Franks willingly gave up the keys to their chests and effects. Colonel

<sup>\*</sup>They were arrested October 2, 1780. "They being persons whom there is just reason to suspect are enemies of the American cause, and to hold an unlawful and dangerous correspondence and intercourse with the enemy in New York." David Franks, then a British agent, was included in the above warrant and was ordered to New York. (See The Jews in Philadelphia Prior to 1800, by Hyman Polock Rosenbach, Phila., 1883, p. 15.)

Harrison, Washington's secretary, also expressed the utmost confidence in them. . . ."

## Deposition of General Knox, sworn to before General Greene.

"In justice to the said Colo. Varick, I think myself bound to say that on the Discovery of Arnold's Treachery, there was not a single circumstance to induce a suspicion that either he or Major David Franks was knowing or privy to the Perfidy or Flight of Arnold; That Colo. Varick and Major Franks gave ready and decided answers to such questions respecting Arnold, as were asked them and willingly produced all papers belonging to him that were in their possession or that they could find; a particular instance of which was exhibited by Colo. Varick two days after the first discovery: By a certain research in a trunk where Arnold's clothes were deposited, he found the Plans and Profiles of each work at West Point in a separate paper, which he instantly brought to His Excellency Gen'l Washington. It was until that time supposed that Arnold had carried off these Papers with him. . . .

> H. Knox, Brig. Gen'l Artillery."

"But the most interesting part of the proceedings were the 'interrogatories' and 'answers' which Varick and Franks put to and received from each other, and a few other officers who frequented the Robinson House, and which, besides containing information of value, reveal some lively scenes at Arnold's table. We give material portions of the record as we find it in Varick's own hand, preserving the original form of question and answer. The first point is in regard to Smith's \* visits to headquarters, when Major Franks made the following replies to the colonel's interrogatories:

<sup>\*</sup>Joshua Hett Smith. See the *Historical Magazine*, vol. X, July and November, 1866, by H. B. Dawson.

'Question.—Did I, or did I not inform you before, and how long before Arnold's desertion, that I had often conversed with him on the subject of his intimacy with Smith, and that I had begged him to discontinue it from a regard to his reputation in the State, and what were his replies as then recited by me to you?

'Answer.—You did inform me that you warned Arnold against associating with Smith as you mentioned, and that he assured you that he would not put it in Smith's power to hurt him or his Country.

'Question.—Did or did not Smith often come to Arnold's quarters, and whether before or after Mrs. Arnold arrived, and how long after? and did I not testify my hearty dislike to his visits, and on what account? and on all occasions when Smith's name was mentioned, freely and with apparent design, express my opinion of his moral and political character both before Arnold and Mrs. Arnold, and what was it?

'Answer.—He came to the house after Mrs. Arnold arrived, twice to my knowledge, and never before. The first time was the next day after I came from Philadelphia, when he stayed two nights, and the other when he dined with us on his way to Fishkill on the 23d September. You always expressed your dislike at his visits to our family, as you said you knew him to be a very great liar, and thought him an enemy to this country hid under the masque of friendship. You reprobated him, and often with apparent design declared freely your sentiments of him before Arnold.

'Question.—Did or did I not inform you, and at what time, that on the night of the 17th, when Joshua Smith and his wife had come to visit Mrs. Arnold, I had a warm political dispute with him, and that I had affronted him, and the reasons for my so doing?

'Answer.—On my return from Peekskill on the 18th, when I had accompanied Arnold to meet his Excellency on his way to Hartford, you told me you had affronted Jo. Smith the preceding night in a political conversation, for

his asserting that America might have made an honorable peace with Great Britain when the Commissioners came out in 1778, and the same day Mrs. Arnold told me of this dispute of the preceding evening, and added that Colo. Varick was in her opinion a very warm and staunch whig."

"More satisfactory, however, are the answers given by Varick on the same points when Franks examined him in his own behalf. Thus, by the major:

'Question.—What was my opinion of Joshua H. Smith's character and conduct, and of his visits at Arnold's Quarters? and did not any and what quarrel take place between you and me and Arnold and Smith? Pray inform the court of the whole.

'Answer.—When I first joined Arnold's family he received a letter of the 13th August from Smith which gave occasion to my speaking freely and unfavorably of Smith's moral and Political character. Arnold and yourself thought well of him as a man, but I soon prevailed on you to think him a Lyar and a Rascal; and you ever after spoke of him in a manner his real Character merited, and was always disgusted at his visits, the first of which took place I think on the 16th of September, the day after Mrs. Arnold's arrival.

'On the 23d of September he came to Arnold's Quarters and dined with us—my unfavorable opinion of his moral and political character, and his usual and unparalleled impertinence and forwardness, and General Arnold's Countenancing him (notwithstanding my advice and frequent solicitations to the Contrary) fixed a resolution in me to affront him before Arnold the first opportunity. A trifling one offered at Table. I embraced it with warmth; a very high dispute took place, in which you became a volunteer with me. Arnold opposed you and often addressed to you with warmth answers to my observations, and I reply'd to his answers, addressing myself to Smith. You as well as myself were cavalier with Smith till Mrs. Arnold (who also thought

ill of Smith) observing her Husband in a passion, beg'd us to drop the matter. I soon quitted the Table and went to my room which was then the office.

'After dinner, Smith went off and Arnold came into the office and took you to task in very illiberal Language for affronting Smith. He lashed me over your Back without addressing himself to me—he declared that if he asked the Devil to dine with him, the Gentlemen of his Family should be civil to him. You told him if Smith had not been at his Table you would have sent the Bottle at his head, and would thereafter treat him as a Rascal. I then found it necessary to do you as well as myself Justice, by taking the Blame of affronting Smith on myself. You thereupon declared to Arnold that you had of late observed that he viewed every part of your Conduct with an eye of Prejudice and beg'd him to discharge you from his Family. You went out of the room in a passion, and to New Burgh on Business from which you did not return till the 24th.

'The dispute between Arnold and myself continued very high. I cursed Smith as a --- Rascal, a scoundrel and a Spy, and said that my reason for affronting him was that I thought him so. I also told Arnold that my advice to him had proceeded from a Regard to his Reputation which he repeatedly and confidentially told me he wished to stand well in the State, and which I had very often told him would suffer by an improper intimacy with Smith. I further told him that Smith's Insolence to you and his ungentlemanlike conduct to Mrs. Arnold, in speaking impertinently to you before her in a Language she did not understand, justified your treating Smith as you did and worse, and also merited his resentment instead of Countenance. Arnold then told me that he was always willing to be advised by the Gentlemen of his Family, but by —— would not be dictated to by them; that he thought he possessed as much prudence as the Gentlemen of his Family. Some other words ensued till I had occasion to leave him to dispatch an Express, and when I returned he had left the office.

'In the evening I received a letter of the 19th from Lt. Colo. Benson, of Governor Clinton's Family, in answer to one of mine of the 24th August, enquiring of Smith's real Political Character and the truth of some information he had given Arnold and which I thought false. The answer contained an opinion of Smith's character by no means favorable to him. I showed it to Arnold and then told him I considered his past Conduct and Language to me as unwarrantable and I thought he did not place that Confidence in my repeated friendly assurance and advice which I had a right to expect and which was necessary to be put in a person acting in my capacity, and that I could not act longer with Propriety. He gave me assurances of his full confidence in me, of a conviction of the Rectitude of my conduct, of Smith's being a Rascal, and of error in treating me with such cavalier Language, and that he would never go to Smith's House again, or be seen with him but in company. All which I related to you the 24th on your return from New Burgh."

In the testimony of Colonel Lamb is mentioned a tilt between Arnold and Joshua Hett Smith and Colonel Varick. It waxed hot until "from some expression which Smith dropped Major Franks became a party in the dispute, which was growing very warm, when Mrs. Arnold (who had observed that Arnold was getting very angry) interposed and begged that the dispute might be dropped, as it gave her great pain."

Respecting Arnold's visits to Smith, on the other hand, which we know from other sources were not infrequent, Varick replied as follows when questioned by Franks:

'Question.—How often did Arnold go down the River in his Barge, whilst I was at Robinson's House? Did I ever attend him and what were our opinions and Conduct on his going down and remaining absent the night of the 21st of September?

'Answer.-He went down once on the 14th to meet Mrs. Arnold and returned on the 15th. After that he went down but once, declaredly to consult with Major Leavenworth about the disposition of Colo. Meig's Regiment which had been ordered up by Genl. Greene and about the disposition of which Arnold told me he had received no advice from His Excellency or Genl. Greene. You did not accompany him anywhere to my knowledge except on the 17th to Peekskill to meet His Excellency. I had said so much against Smith that I did not expect he would ever go to Lodge at his House again. But when I was informed by you or Mrs. Arnold, on the 21st, that he was not to return that evening, I suggested to you that I supposed he was gone to Smith's, and that I considered Arnold's treatment of me in keeping up his Connexion with Smith, in opposition to the warning I had given him, as very ungenteel and that I was resolved to quit his Family. We did thereupon concert the Plan of preventing their further Intimacy by alarming Mrs. Arnold's Fears and asking her Influence against it, as she entertained and had declared to him before me an unfavorable opinion of Smith, both as a Gentleman, and as a Man of Sincerity; which we did, and she informed me afterwards that Arnold had made her fair promises not to countenance Smith at all.

'You did at the same time inform me that you could not account for his connexions with Smith—that you knew him to be an avaricious man and suspected he meant to open Trade with some person in New York, under Sanction of his command, and by means of Flags and the unprincipaled Rascal Smith; that you were induced to suspect it from the Letter he wrote to Anderson in a Commercial stile as related to you by me. We thereupon pledged to each our word of Honor that if our suspicions should prove to be founded in fact we would instantly quit him.'"

"Again, in the matter of Arnold's private speculations, his small dealings with sutlers, which Hamilton mentions, and his grasping ways, Varick and Franks have this to say, the latter replying to the former:

'Question.—Did or did not Arnold declare that he had 10,000 rations due him since 1775, 1776 and 1777, for which he could not get an adequate Compensation and that he would in future draw all his rations?

'Answer.—He did frequently and he would never leave his rations again in the hands of the Public.

'Question.—Did or did I not inform you on your arrival from Philadelphia with Mrs. Arnold, that Arnold had sent for a Capt. Robinson, a skipper, and asked him to sell some rum for him, and that I had prevented any intercourse between them by informing Arnold that Robinson was a Tory? And did I not also inform you that he had bargained with Capt. Bard for the sale of three barrels of Pork and that I had prevailed on him to lay aside his intentions by representing to him that he would incur disgrace if he did sell any provisions, especially when that article was in such serious demand at the Post?

'Answer.—You informed me that Mr. Robinson had been spoken to by Arnold, and that you had prevented his employing him to sell rum; but do not recollect mentioning anything of Mr. Bard or the Pork. You did tell me that you had prevailed on him to decline selling stores as you mention.'"

"The next set of interrogatories brings us to the last scene of all—the discovery, the flight, the anxiety of all concerned, and especially the bewilderment at the Robinson House. That day's experiences for themselves, as related by the two officers so painfully interested, certainly make up a fresh chapter in the history of Arnold's treason. We have here a story direct from eye-witnesses, not in any way changing the accepted accounts, but throwing some broad side-lights on the dark event. With Varick on the stand, Franks interrogates:

'Question.—What was Arnold's as well as my Conduct and Deportment on the Day of his Desertion, and had you the slightest reason to think I had been or was Party or Privy to any of his villainous practices and correspondence with the enemy, or to his flight? Pray relate the whole of our Conduct on that day to your knowledge.

'Answer.-I was sick and a greater part of the Time in my bed in the morning of his Flight. Before Breakfast he came into my room; soon after, I entered it and he asked me whether I had answered some Letters recd from Lt. Colo. Jameson and Major Tallmadge, and whether I had written to Gov<sup>r</sup> Clinton inclosing copies of the letters that had passed between him and Colo. Beverly Robinson. I replied, 'No Sir, nor am I able to do it.' He took Tallmadge's Letter out of the office and said he would write to Tallmadge himself, and I never saw him after it but betook myself to my Bed. I think it was not an hour thereafter when you came to me and told me Arnold was gone to West Point, also a considerable time thereafter you came to the window of my room near my Bed and shoving it up hastily told me with a degree of apparent surprize that you believed Arnold was a villain or rascal, and added you had heard a report that one Anderson was taken as a spy on the lines and that a militia officer had brought a letter to Arnold and that he was enjoined secrecy by Arnold. I made some warm reply, but instantly reflecting that I was injuring a gentleman and Friend of high reputation in a tender point, I told you it was uncharitable and unwarrantable even to suppose it. You concurred in opinion with me and I lay down secure in the high idea I entertained of Arnold's integrity and Patriotism.

'Sometime in the course of the Day, I do not recollect when—think it was pretty soon after His Excellency arrived—Capt. Lt. Hubbell came into my room and in conversation told me he saw Arnold's Barge going down the River. But that circumstance made no impression on me.

Not long after you mentioned your suspicions to me Mrs. Arnold called for me, and when I waited on her I found from her Language and conduct that she was in great distress and had lost her Reason in some measure, complained to me that she was left without a friend. I attempted to sooth her by saying that she had many Friends, enumerating you and myself and that General Arnold would be there soon. On my mentioning his name she replied in great agony, Oh no, no! he is gone, gone forever!

'I soon left the room, found His Excellency had returned, and that Arnold had not been at West Point, and then recollecting your Declaration while I lay in bed, and his unaccountable and long absence, and Captain Hogland having come with dispatches to His Excellency, and avoiding answers to my enquiries with respect to Anderson's being taken, I mentioned to you that I was very apprehensive of his having destroyed himself or gone off. In very few minutes after we mentioned our fears to Eustis in Confidence lest we might be deceived. We were anxious to advise the Genl. of our suspicions but fearful of doing so in a direct manner, when Mrs. Arnold's request to see him to ask for relief soon furnished us with the opportunity, and I waited on His Excellency into her room accordingly. I soon after and just before dinner communicated my suspicions to Colo. Lamb in Confidence, and it was not until after Dinner that His Excellency communicated Arnold's Perfidy and Treachery to us.

'I never had any reason from any part of your Conduct before or that Day or since to suppose you were Party or Privy to any part of his Villainy or to his Flight. But your Language and Conduct on all occasions betrayed a very strong attachment to the Rights of our Country.'"

<sup>&</sup>quot;Equally circumstantial was Franks' reply when questioned nearly to the same effect by Varick:

<sup>&#</sup>x27;Answer.-Arnold, I believe, did receive two letters by a

militia officer, tho' I did not see them. You did not I am sure-you were sick in your room. Arnold did not come into it nor did you see him after breakfast that day. His conduct was that soon after he received the letters above mentioned he went up Stairs to his Lady. In about two minutes His Excellency, General Washington's servant came to the door and informed me that His Excellency was nigh at hand. I went immediately up stairs and informed Arnold of it. He came down in great confusion, and ordering a horse to be saddled mounted him and told me to inform His Excellency that he was going to West Point and would return in about an hour. His Excellency came about half an hour after Arnold went off and after taking breakfast went to West Point. Soon after Mrs. Arnold's unhappy situation called us all to her assistance. Her alarms, together with Arnold's precipitate departure gave me much uneasiness. I hoped to see him return soon and you and myself were about to send for him. An hour and a half or thereabouts after he was gone a report was spread about our quarters of a spy of the name of John Anderson \* being detected nigh our lines. On my hearing it I flew to you with indescribable agitation and told you I was sure Arnold was a Villian, but on further reflection and further Conversation we agreed that it was uncharitable, and that we were not warranted to think so, and that if any bad consequences were to ensue to Arnold from our suspicions, our characters would be ruined.

'Soon after His Excellency returned from West Point where he had been some considerable time, and during which Mrs. Arnold was in the most alarming distress of mind. You were frequently with her and informed me that she had complained that she had no friends, she was left alone, and on your telling her that she had many friends (here enumerating yourself, me, and General Arnold)—on your mentioning him she exclaimed in an agony of grief, Oh no, he is gone, gone forever! This at last confirmed your and my suspicions which were communicated to Dr. Eustice immediately.'"

<sup>\*</sup> Major John André.

"And, finally, Surgeon Eustis corroborates both when examined by Varick:

'Question.—What hour of the day on the 25th September last did Major Franks and I communicate to you our suspicions of Arnold's having joined the enemy, or destroyed himself? How long after he had left the house, and whether before or after His Excellency General Washington returned from West Point? and after what injunction on you?

'Answer.—I know not the hour; but soon after His Excellency returned from West Point. I came out of Mrs. Arnold's chamber with you and Major Franks. I asked you where Arnold was gone, and beg'd you, for God's sake, to send for him, or the woman would die. You took me into my chamber and both Major Franks and yourself (after enjoining on me the most sacred secrecy) informed me of your suspicions that Arnold had gone to the enemy. On my asking if you had told it to General Washington, I think you told me it was a bare suspicion, and that you were afraid to lisp it to any creature living, lest proving untrue it should ruin your reputations forever. You afterwards informed me that your suspicions were confirmed by Mrs. Arnold saying in her delirium that he (meaning her husband) was gone forever.'

"That the two aids were not only relieved from all suspicion of complicity in the treason, but honorably commended by the court for their conspicuous fidelity, as was the case, would be readily inferred; but for most readers who have familiarized themselves with the subject, much of the interest in the extracts quoted doubtless lies in their bearing upon the accomplices in the conspiracy....

"The proceedings of the court of enquiry touch upon another point of interest, which may be briefly noticed, namely, the long, secret correspondence between Arnold and André, carried on over the signatures of "Gustavus" and "John Anderson." Their letters are stated to have been numerous and significant, but only two are known to have

been preserved; at least no more have been published. The extent of the correspondence while Arnold was at West Point is doubtless indicated in his private memorandum book which Varick discovered among his effects, and from which it appears that he wrote to André on June 7th, July 13th and 17th, in August once without date, and again on the 30th, and on September 3d. We also know he wrote again on September 15th, forwarding a duplicate of it on the 18th, which was probably the last he sent. Both Varick and Franks had heard of this correspondence. Speaking of Arnold's letters, the former, in reply to one of Franks' questions, says: 'I never knew of his writing but that of the 3rd September, which he informed me he had written to a friend of his in New York, under fictitious characters, and sent by a Mrs. Mary McCarthy of Quebec, who had Gov. Clinton's pass and a Flag from Arnold to go down the River to New I never saw the letter, nor did I know the fictitious characters until Arnold recd Anderson's letter of the 7th Sept to Col. Sheldon in consequence of Arnold's of the 3d Sepr. You was absent at the time and knew nothing of it until the morning after your return from Philadelphia, when I communicated the correspondence to you. You thereupon told me you thought you remembered his corresponding to and receiving intelligence from a Person of that name. I then thought the correspondence was proper, in discharge of his duty and Commendable if he could procure intelligence in that way. I never was solicitous to know the real character or names of his Emissaries further that he chose to communicate them to me, and I thought it none of my business and improper to be known to any person. I do not recollect your seeing the Letters on the subject of that correspondence which passed between Arnold and Col. Sheldon and Major Tallmadge, but all the public papers were open to your perusal, except one of the 6th Sepr sent to Arnold by his Excellency which, as it was delivered to me confidentially, I did not think myself at Liberty to shew you.' Franks

says: 'I told you that I thought Arnold had corresponded with Anderson or some such name before from Philadelphia and had got intelligence of consequence from him.'"

"Note.—The original papers upon which this article is founded are in the possession of the Mercantile Library, New York City."

#### IV.

The following is a list of books, pamphlets and documents that relate to the career of Major David S. Franks, while aid-de-camp to General Arnold:

ANDRÉ, MAJOR JOHN. Proceedings | of a | Board | of | General Officers, | Held by Order of | His Excellency Gen. Washington, | Commander in Chief of the Army of the United States | of America | respecting | Major John André, | Adjutant General of the British Army. | September 29, 1780. | Philadelphia: | Printed by Francis Bailey, in Market-Street. | M.DCC.LXXX.

André, Major John. Minutes of a Court of Inquiry upon the Case of. Albany, Munsell, 1865, p. 19.

ARNOLD, GENERAL BENEDICT. Proceedings | of a | General Court Martial | of, etc.

ARNOLD, MAJOR GENERAL. The Proceedings of a General Court Martial for the Trial of, with an Introduction and Notes. New York. Privately printed, 1865.

Note.—For those that are not so fortunate as to procure the pamphlet mentioned in Part II, this volume contains an excellent reprint, as well as a short biography of David Solebury Franks, pp. 158-159.

ARNOLD, ISAAC N. The Life of Benedict Arnold, his Patriotism and his Treason. Chicago, 1880. Pp. 300, 316, 318-19.

[Balch, Thomas.] Letters and Papers relating chiefly to the Provincial History of Pennsylvania, with some Notices of the Writers. Philadelphia. Privately printed, 1885, pp. 59, 60 and 61 of Genealogical Notices.

BOUDINOT, J. J. The Life of Elias Boudinot, LL.D., edited by. Boston, 1896. Vol. I, p. 202.

DEANE, SILAS. Collections of the New-York Historical Society for the Year 1889. Publication Fund Series. The Deane Papers, Vol. IV, p. 530.

Note.—"I had no right to expect Franks to be either my friend or enemy. Of himself, he is too volatile and trifling to be either to any one for anytime, meer wax, and never either too hot or too cold to receive the impression of the last application; and coming from Madrid, and commissioned by Carmichael, it was natural that he should bring his image and superscription with him. I am, however, sorry that he left Paris so soon, or rather, that he had not the means for staying and giving way to his natural disposition for a few weeks, as he would have made a good addition to the American adventurers already exhibited on the stage," etc.

FRIEDENWALD, Dr. HERBERT. The Jews in the Journal of the Continental Congress. *Publications American Jewish Historical Society*, No. 1, pp. 78, 79, 80.

The Gentleman's Magazine, 1780. Supplement, p. 613.

HEATH, MAJOR-GENERAL. Memoirs of. Written by himself. Published according to Act of Congress, Boston, 1798, p. 255.

JASTROW, PROF. MORRIS. Notes on the Jews of Philadelphia from published annals. *Publications American Jewish Historical Society*, No. 1, p. 58.

Kohler, Max J. Incidents illustrative of American Jewish patriotism. *Publications American Jewish Historical Society*, No. 4, p. 84.

The Magazine of American History, vol. VIII, pp. 717 to 733.

[Marbois, Compte Barbé de]. Complot d'Arnold et de Sir Henry Clinton contre Les États-Unis d'Amerique et contre Le General Washington, September 1780. Paris, Didot, 1816. p. 135.

MORAIS, HENRY SAMUEL. The Jews of Philadelphia, etc. Philadelphia, 1894, pp. 454-5.

Pennsylvania Archives. First series, vol. VIII, pp. 589, 590.

Pennsylvania Colonial Records, vol. XII, pp. 141, 199, 296, 495-6.

The Pennsylvania Gazette. September, 1780.

ROSENBACH, HYMAN POLOCK. The Jews in Philadelphia prior to 1800. Philadelphia, 1883. p. 15.

RUSH, RICHARD. Washington in Domestic Life. Philadelphia, 1857.

derpnia, 1897.

Note.—This contains Washington's description of Arnold's treason, referring briefly to his aid-de-camp.

SMITH, HORACE W. Andreana, edited by. Philadelphia, 1865. p. 20.

SMITH, JOSHUA HETT. An Authentic Narrative of the Causes which led to the Death of Major André, etc. London, 1808. p. 184.

SPARKS, JARED. The Life and Treason of Benedict

Arnold. New York, 1872, p. 250.

THACHER, JAMES, M. D., Military Journal during the American Revolutionary War. Boston, 1823, p. 576.

Washington, George. The Writings of, ed. by Jared Sparks. Boston, 1855. Vol. VII, pp. 217, 220, 267, 533.

Washington, George. Archives of the Department of State. Letters to. Vol. XXIV, p. 257, vol. XLI, p. 145.

WINSOR, JUSTIN. Narrative and Critical History of America, edited by. Boston, 1884-8. Vol. VI, p. 459-60, foot-notes.



# NOTES ON THE FIRST SETTLEMENT OF JEWS IN PENNSYLVANIA, 1655-1703.

BY ABRAHAM S. WOLF ROSENBACH, Philadelphia.

On the 4th of September, 1655, Petrus Stuyvesant conquered and gained possession of the Swedish colonies on the Delaware river. John Paul Jacquet was appointed Vice-Director or Commandant of the Delaware and served from 1655 to 1657. The history of his administration is rather fragmentary, but many facts can be gleaned that relate to Jewish traders in southeastern Pennsylvania. Before the regime of Stuyvesant and of the Dutch West India Company the Swedes lived peacefully along the Delaware, and, although many Biblical names are to be found in the early records of New Sweden, there is no documentary evidence to prove that they were Jews.\*

We know that on the 15th of February, 1655, Jews received permission to reside in New Netherland,† and also that nine months after this date they petitioned the authorities to allow them to trade in the newly subjugated territory, New Sweden, or as they expressed it, to travel along the Delaware river. Their petition failed of its purpose, but they were

† The Settlement of the Jews in North America by Daly, edited by Max J. Kohler. Articles by Mr. Kohler in the Pub. Am. Jewish Hist. Soc. give more fully the events of the first Jewish settlement in New York.

<sup>\*</sup>See History of New Sweden by Israel Acrelius (Memoirs Hist. Soc. of Penna.), and Companius' Short Description of New Sweden, translated by Du Ponceau, Phila., 1834; also Original Settlements on the Delaware by Ferris, Wilmington, 1846.

permitted to send two persons to the South River in order to terminate a trading expedition already entered upon.\*

The South river was subsequently renamed (by Sir Robert Carr in 1664) the Delaware river, and the above-mentioned "persons" were the first Jews of whom we have any record that entered what is now Pennsylvania.†

In the Annals of Pennsylvania, by the late Samuel Hazard, the letter of the Directors of the Dutch West India Company, dated June, 1656 (cited in Daly, p. 12), is summarized in this manner: "On June 14th, 1656, Jews were prohibited from trading on the South River." This statement is manifestly wrong (an unusual thing in one of our most trustworthy historians), for it is the expressed wish of the Directors that the Jews be permitted to "carry on their business as beforesaid." In the Duke of York's Laws of the Province of Pennsylvania, John Blair Linn has allowed the same error to creep in, quoting Hazard and evidently not looking up the citation—Albany Records, vol. IV, p. 212.

We do not notice any reference to "people of the Jewish nation" until the following year, and it is presumed that they traded in the meantime along the Delaware river. Most of the Swedish trading-places, including Upland, were situated on the west bank of the South river in Pennsylvania, and it is probable that these hardy traders penetrated as far south as New Castle or, as it was then called, New Amstel in the State of Delaware.

On the 14th of February, 1657, "Isack Masa appears

<sup>\*</sup> Documents relative to the Colonial History of New York, "History of the Dutch and Swedish Settlements on the Delaware River," trans. by B. Fernow, vol. XII, pp. 117, 118; quoted by Daly in Jews in North America, pp. 12 et seq., 20 et seq. Hazard's Annals of Pennsylvania, pp. 204, 205, gives a different translation (Vanderkemp's), citing the Albany Records, vol. X, p. 178.

<sup>†</sup> Documents relative to the Colonial History of New York, vol. XIV, pp. 341 and 351. See Daly, p. 12, note by editor; Kohler, Pub. Am. Jewish Hist. Soc. No. 1, p. 47; also Hazard, p. 219, citing Albany Records, vol. IV, p. 212; The Duke of York's Laws, ed. John Blair Linn, Harrisburg, 1879.

against Jan Schaggen and demands leave to return a certain hogshead of tobacco, received from aforesaid Jan Schaggen, which according to the decision of the inspector, Willem Mouritsen, is not merchantable.

"Defendant answers that he has delivered the tobacco to plaintiff upon plaintiff's own inspection, saying that he did not need an inspector for it, that he knew himself competent enough thereto.

"Plaintiff says that defendant delivered to him the tobacco as being throughout like same lying on the top, that it is found not to be so, and that about 8 or 10 days after the receipt he informed the defendant in presence of Thomas Broen and Willem Mouritsen that he did not want the tobacco, as it was not worth anything.

"Plaintiff is ordered to bring proof that defendant delivered the tobacco upon his word as good."\*

On the 7th of March, 1657, "Isacq Mara (or Masa) appears against Jan Schaggen and Moens Andries as 'disposant.' He requests, as before, leave to return the tobacco and that Moens Andries shall give evidence how the tobacco was received.

"Moens Andries declares, that Jan Schaggen had said, when he delivered the tobacco, that he packed the tobacco according to sample shown and that it was as good below as on top. Plaintiff is directed to produce affidavits of the inspectors how the tobacco was found to be, whether that below was as that above."

On June 12th, 1657, "Isaiah Mesa, a Jew, remonstrates, that he found himself aggrieved by a sentence of the 14th of April last, pronounced by the vice-director on the South River, New Netherland, J. P. Jacquet and council, relative to a dispute between him and some of the Swedes, desires to appeal; granted, "provided he makes, as usual, a deposit of

<sup>\*</sup>Genealogy of the Jacquett Family by Edwin Jacquett Sellers, Phila., 1896. Administration of John Paul Jacquet, p. 72.
† Ibid., p. 74.

12 guilders, which being performed, he is commanded, as the sheriff is on his departure, to deliver his conclusion within twenty-four hours, to enable us to give a decision."\*

In "Jews in the American Plantations between 1600–1700," by Dr. Cyrus Adler,† there is a list of the inhabitants of Barbados. The name Isack Meza is among them. In the "Jews in Surinam," by Felsenthal and Gottheil,‡ Isaac Mera (sic) is one of the chief members of the congregation there. Perhaps one or the other of them is identical with the Isack Masa, Isacq Mara or Isaiah Mesa trading along the South river in Pennsylvania.

Several other names occur in the minutes of the administration of John Paul Jacquet and his Council, but they have not, as with the case of Isaiah Mesa, the appellation "Jew" written after them. A Mr. Isaacks, as well as a Richard Levey, are mentioned in Fernow's "Dutch and Swedish Settlements on the Delaware River," but it is not likely that they were Jews.§

In 1656 Isaac Israel brings suit against one Hamman, embodied in a long petition. On December 28, 1655, a treaty was made between the Indians and the community at Fort Casimir, and all agreed to the subsidy, etc., "with the exception of Isaac Israel and Isaac Cardoso, who refused to give their consent, and prepared to leave the river and give up their trade, than to assist with the other good inhabitants in maintaining the peace of this highway." Of Isaac Cardoso I am uncertain, but Isaac Israel was not a Jew, but

<sup>\*</sup> Hazard's Annals, p. 237; Albany Records, vol. XV, p. 202.

<sup>†</sup> Pub. Am. Jewish Hist. Soc. No. 1, p. 106.

<sup>‡</sup> Ibid., No. 4, pp. 2, 3.

<sup>§</sup> Quoted by Kohler in Daly's work—in the Appendix, pp. 151 et seq.

Documents relative to the Colonial History of New York, vol. XII, p. 136; Genealogy of the Jacquett Family, by Sellers. See the Appendix to Daly, ed. Kohler, wherein the petition is printed in full. Mr. Kohler occasionally cites the names of persons without giving definite proof of their Jewish origin.

<sup>¶</sup> Ibid., pp. 147, 148.

a Christian, in 1663 a member of the High Council of the Incorporated Dutch West India Company's settlements on the South river, Chancellor (Jews were not allowed to hold office in New Netherlands, by letter from the Directors, June 14, 1656), and prominent in other ways. Hendrik Jacobs and Ephraim Herman are included in a list of "Tydable Persons" at Upland in Pennsylvania.\* Israel Jacobs was a member of the General Assembly of the Province of Pennsylvania, but his brother John died at the age of 85 on February 1, 1773, and was buried in the Friends burying ground.† Jacob Isaacs (also an Isaac Jacobs) is frequently mentioned in deeds transferring real estate, but was probably a Mennonite.‡ The names of several others might be given, but it is impossible to accurately ascertain their religion.

In 1662 a community of Mennonists or Anabaptists proposed to settle at Horekill, and drew up articles of association. The object of the association "being to establish a harmonious society of persons of different religious sentiments, it was determined to exclude from it 'all intractible people—such as those in communion with the Roman See; Usurious Jews; English stiffnecked Quakers; Puritans; foolhardy believers in the Millenium; and obstinate modern pretenders to revelation.'"

In 1664 Sir Robert Carr assumed command of affairs on the South river, which he re-named the Delaware. In accord-

<sup>\*</sup>Record of the Court at Upland in Pennsylvania, 1676-1681, in Memoirs Historical Soc. of Pennsylvania.

<sup>†</sup> Pennsylvania Gazette for February 3, 1773. Pennsylvania Archives, vol. IX, pp. 694, 695.

<sup>†</sup> Pennsylvania Archives, vol. XIX, pp. 249, 340, 341. See also To the Representatives of the Free-men Province of Pennsilvania and Counties Annexed, In Assembly conven'd at Philadelphia the 10th of the 3d Moneth, 1692, in the possession of the Historical Society of Pennsylvania.

<sup>§</sup>History of Delaware County, Pennsylvania, by George Smith, Phila., 1862, p. 82. See also History of the State of New York by Brodhead, vol. I, p. 698.

ance with instructions received from the English Government, he declared that "all people shall enjoy the liberty of their conscience in Church discipline as formerly."

From the above evidence there can no longer be any doubt that there were Jews in the Pennsylvania country at least twenty-five years before the landing of William Penn.\*

The following letter is of curious interest on account of the early prevalence of "fashionable converts" in Philadelphia.

"LETTER FROM SECRETARY LOGAN TO HENRY GOLDNEY.

Philada 7-3-1723.

<sup>\*</sup>Another reference can be found in An Historical and Geographical Account of the Province of Pensilvania and of West-New-Jersey in America etc. By Gabriel Thomas, who resided there about Fifteen years. London, Printed for and Sold by A. Baldwin, at the Oxon Arms in Warwick Lane, 1698. p. 53. †Pennsylvania Archives, Second Series, vol. VII, p. 77.

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The following anonymous communication seems to confirm the apprehensions of Logan:

"Indian Complaint ag't J. Miranda 1730.

To the Justices of the County of Lancaster. Gentlemen:

I have received a Petition of Cachuscunt & Memocollen two Indians setting forth a great abuse and Imposition, they have suffered from Isaac Miranda, which being committed within your Jurisdiction properly comes under your Cognizance & therefore I have herewith transmitted to you the Said Petition, that you may make a full and particular Enquiry into the Truth of the facts sett forth thereof, And if you find the allegations therein contained to be true, I desire you will order Mr. Miranda to make Restitution of the Goods which he has taken away & likewise to enter into Recognizance for his good Behaviour and Appearance at your ensuing Court. I am,

\*"

Aug. 21, 1720 (?)

Isaac Miranda was an "Agent to Receive and Collect the Perquisites and Rights of Admiralty" in 1727, Philadelphia County,† and on July 19, 1727,‡ was appointed deputy judge of the Court of Vice-Admiralty of the Province of Pennsylvania. His name is frequently mentioned in the early annals of Philadelphia.

In the American Historical Register for April, 1895, there is an article by Mr. Charles H. Browning, entitled

<sup>\*</sup>Pennsylvania Archives, First Series, vol. I, pp. 266-7.

<sup>†</sup> Ibid., Second Series, vol. IX, p. 738.

<sup>†</sup> Ibid., p. 632. For further references to Miranda see Documents relative to the Colonial History of New York, vol. V, pp. 517, 750, and also the will of Isaac Miranda, signed June 30, 1732, recorded in Book E, p. 320, Philadelphia Wills.

"A Philadelphia Business Directory of 1703." The directory is compiled from the books used in the business of Judge Trent, and in an account in his ledger will be found the name of Jonas Aaron. Across the river we find, a year previous to this date, "Benjamin Levy, a Jew here, 1702."\* Arnold Bamberger was permitted to hold lands and to trade in January, 1726.† From the above it appears that Jonas Aaron was one of the earliest settlers in this city, if not the earliest, but it is the duty of the future annalist to find out who was the first Jew who took up his abode in Philadelphia.‡

\* New Jersey Archives, vol. II, pp. 456, 460; see also vol. IV, pp. 344, 345.

the Jews in Philadelphia prior to 1800, by Hyman Polock Rosenbach, Phila., 1883. See also "A List of the Inhabitants of Philadelphia, with the quantity of Land they respectively hold therein according to the uncertain returns of the Constable, Anno Dom. 1734," in the possession of the Historical Society of Pennsylvania; also the will of Arnold Bamberger, proved February 15, 1748, recorded Book I, p. 63.

‡ I wish to express my thanks to Dr. Morris Jastrow, Junior, for the assistance he so kindly gave me in the preparation of this paper.

#### NOTES.

Among the articles in the Annual Report of the American Historical Association for 1894 is a valuable contribution by Mr. Harold D. Hazeltine on "Appeals from colonial courts to the king in council," from which (pp. 343–345), as of special interest to the readers of these Publications, by reason of the persons involved, we extract the following paragraphs:

"While there is no particular importance attaching to the matters involved in Isaacs v. Merritt, this case will further illustrate the practice of appealing quite as well as any other. There is, nevertheless, some little interest in this appeal, for the reason that it is one of the few cases of which we find official record both in Rhode Island and in England. It is also the only one of such cases among the documents of which we find an appeal bond. The salient facts\* in this case are here given.

"John Merritt of Providence brought action against Jacob Isaacs of Newport, in the superior court of common pleas for Providence County, at the December term, 1755, for large damages. At this trial Merritt complained that the defendant had broken his 'promise and assumption' made to the plaintiff. He alleged that on April 14, 1743, Abraham Isaacs, of New York, by his promissory note of that date, duly signed, became indebted to him in the sum of £285, lawful money of New York, together with the lawful interest thereon till the same should be paid. Being so indebted, Abraham Isaacs died intestate, and Hannah Isaacs, widow of the said Abraham, became the administratrix of the estate. Hannah Isaacs dying before she had fully administered the estate of her husband, the administration of the residue was lawfully granted to the defendant, Jacob Isaacs. But after

<sup>\*</sup> MS. records of superior court; MS. privy council register.

the death of Abraham and during the life of Hannah, he (Merritt) at the October term of the supreme court of New York in 1744, recovered judgment on the same note against Hannah for the same, with damages and costs amounting in all to £338 11d., to be paid out of such goods and chattels as were possessed by the said Abraham during his lifetime, when the same should thereafter come to hand. nah's death. Merritt was about to sue the new administrator. Jacob Isaacs, on the aforesaid judgment; but he (Merritt) agreed to forbear for a season the prosecution of the suit, Isaacs paying him £100, part of the sum for which judgment was given, and solemnly promising to pay the remainder of the said sum together with interest, in a short time. Merritt therefore suspended prosecution on the said judgment till October 1, 1754, when Isaacs had not yet paid the remainder of the said sum, though often requested to. For these reasons he asserted that Isaacs had broken his promise, and claimed as laid in the writ of September 18, 1755, damages therefor to the amount of £6000 current money of New England.

"Isaacs on the other hand alleged that he had never promised to pay the aforesaid judgments in the manner and form described by Merritt; that according to law such judgments were to be paid by administrators out of the goods, chattels, and credits of the intestate; that at the time of the purchase of the plaintiff's writ, or since, there had not come into his (Isaacs) hands any other assets of the said intestate's estate wherewith to satisfy the plaintiff's demands; and that this was the reason why the remaining part of the said judgments was still unpaid.

"After due trial of this case, the inferior court of common pleas decided that Merritt should recover from Isaacs £236 13s. 1d., current money of New York, with costs of suit, amounting to £74 6s., Rhode Island currency. Isaacs appealed to the superior court for Providence County, and at the March term, 1756, the decision of the inferior court

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was affirmed, with costs. Isaacs then moved for an appeal to the king in council, which was granted. He complied with the law regulating appeals to England, and furnished bond in the sum of £100 sterling. Isaac Hart, of Newport, and John Cole, of Providence, were the appellant's bondsmen, and the document was signed, sealed and delivered to the court in the presence of Samuel Chase and Alexander Black.\*

### \*"The bond is as follows:

Bond to appeal to King in Council.—Isaac Hart and John Cole to John Merritt, March term, 1756.

"Know all Men by these Presents that we Isaac Hart of Newport and John Cole of Providence in the Colony of Rhode Island Merchants are held and Bound to John Merritt of Providence aforesaid ment<sup>d</sup> in the Sum of one Hundred pounds Sterling Money of Great Britain to be paid to the said John Merritt or to his Executors Administrators or Assigns to the which payment well and truly to be made We bind ourselves our Heirs Executors Administrators and Assigns and last of Us by himself for the whole and in the whole and our and last of our Heirs Executors and Administrators firmly by these presents Sealed with our Seals Dated the Twenty Second day of March in the 29th Year of His Majesty's Reign A D 1756

"Whereas the above Mentioned John Merritt has now obtained a Judgment of our Superior Court of Judicature against Jacob Isaacs of Newport in the County of Newport & Colony aforesaid Merchant As by the Record of said Court appears and Jacob Isaac being agrieved therewith Appeals to His Majesty in Council in Great Britain from the Said Judgment of the aforesaid Court of Judicature now sitting in providence aforesaid.

"The Condition of the above written obligation is Such that if the above mentioned Jacob Isaacks Shall & do within Twelve Months and a Day from the date hereof well & truely prosecute his Said Appeal with effect or in Default thereof well and truely pay & Satisfy to the Said John Merritt His Heirs Executors Administrators & Assigns all such Costs and Damages as they or any of them Shall have & Sustain in Defending against the aforesaid Appeal then this present obligation to be void & of no Effect or Else to be and Remain in full force and virtue

I. Hart [seal]

JOHN COLE [seal]

Signed Sealed & Delivered in the presence of— Sam Chace ALEXR BLACK" "The case was finally brought before the king in council for adjudication. On February 17, 1758, or nearly two years after the granting of the appeal by the superior court, the privy council reversed the decision of that tribunal, and thus rendered a judgment in favor of the appellant."

Included among the presentments of the grand jury for the district of Charleston, South Carolina, brought in on October 15, 1776, are several that related to the Jews. The seventh and eighth read as follows: "We present and recommend, that Jews and others may be restrained from allowing their negroes to sell goods in shops, as such a practice may induce other negroes to steal and barter with them. . . . We present the ill practice of Jews opening their shops and selling of goods on Sunday, to the profanation of the Lord's Day." (Niles, Principles and Acts of the Revolution, pp. 91–92.)

From the MS. Journal of the Continental Congress for the year 1779 we cull the following: On February 11, Aaron Lopez has a petition presented which is referred to the committee on appeals. On April 15 a petition of Major Solomon Bush is referred to the board of war. And on July 28 and August 27 the petitions of Isaac Moses and Eleazer Levy, respectively, are read.

HERBERT FRIEDENWALD.

The lately published Volume fourteen of the Maryland Archives, Correspondence of Governor Horatio Sharpe, Vol. III, 1761-1771, contains a number of interesting letters from the Rev. Bennet Allen, "the fighting, horse-racing parson who possessed the favor of Governor Sharpe and the Lord Proprietor." In a characteristic communication to Sharpe, dated "Frederick Town, June 6th, 1768," and describing Allen's forcible seizure of the parish church in

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that town, to which he had been appointed, occurs the following passage (p. 502): "To alarm the Dutchmen they spread a Report that I should say I would level their Steeple with that of the Church. it drew a number of Dutchmen into the Mob which was headed by a Jew."

Dr. Bernard C. Steiner has kindly called my attention to several other references in the records of the Evangelical Reformed Church of England, which indicate the residence of Jews some years later:

"Apr. 9 1797 Mary Ann Barbara dau. David Levy died aged 0-10-27."

"Apr. 8 1798 Mary Margaret wife Jacob Levi died aged 24-3-0."

As I have elsewhere stated, it is likely that the Jewish settlements in Lancaster and Schaefersville contributed appreciably, although not largely, to the stream of German immigration which flowed steadily from southeastern Pennsylvania into Frederick County, Maryland. The Jewish element seems, however, to have been quickly absorbed, and at present its only trace is the survival of distinctively Jewish names in the vicinity.

J. H. HOLLANDER.

OBITUARY NOTICES OF JEWS OF PHILADELPHIA AND NEW YORK, 1728-1791.

From the files of the Pennsylvania Gazette.\*

I.

December 27, 1753.

"On Friday last died of an apoplectick fit, Mr. Nathan Levy, an eminent citizen of this city. The fair character he maintained in all his transactions, the cheerful and

<sup>\*</sup>I desire to express my indebtedness to Prof. Morris Jastrow, Jr., and Mr. Bunford Samuel, Librarian of the Ridgway Branch, Philadelphia Library, for kindly suggestions and assistance.

friendly disposition that constantly appeared in him, make his death much lamented, and the prudent and affectionate manner in which he conducted himself in his domestick capacity, renders the loss irreparable to his family."

Buried in Spruce-street burying-ground, December 23, 1753. The dissolution of partnership of the firm of Levy & (David?) Franks, the business to be settled by the estate of Nathan Levy. The advertisements of Levy & Franks were quite frequently inserted in the *Gazette*, offering for sale medicines, European goods, etc., at their store on Second Street.

II.

January 26, 1769.

"New York, January 23.—Last Monday Morning died in an advanced age, Mr. Jacob Franks, for many Years an eminent Merchant of this city. A Gentleman of a most amiable character; in his Family, a tender and kind Master; as a Merchant, upright and punctual in all his Dealings; as a Citizen, humane and benevolent; a Friend to the Poor of all Denominations, affable and friendly in his behavior to all. He is now gone to receive from the Supreme God whom he adored, his Reward among the Faithful. The Memorial of the Righteous is Blessed. On Tuesday his remains were decently interred in the Jews Burying Place, attended by a great Number of his Friends."

III.

August 24, 1774.

"On Sunday evening last, after five days illness, died, in the prime of life, Miss Polly Franks, second daughter of David Franks Esq. of this city,—a young lady whose sweetness of temper, elegance of manners, cheerful conversation and unblemished virtue, endeared her to all her connections and especially to her now mournful parents, who found her in every part of life a shining example of filial duty and affection.—Her remains were interred on Monday afternoon, in Christ-Church burying ground, amid the tears of her numerous acquaintances and relatives."

Born January 25, 1747-8.

IV.

October 24, 1781.

"On Friday the 19th. inst. between one and two in the morning, departed this life after a short but painful illness in his 55 year Mr. Samuel Judah, formerly an eminent merchant of New York, and has left an inconsolable widow with twelve helpless children to bewail the irreparable loss of a tender and affectionate husband and a most kind and indulgent parent. His integrity for many years in business and courtesy in society was so well known to a numerous acquaintance as to render a panegyric needless. Suffice it is to say he was universally esteemed and his unexpected exit is equally regretted."

ABRAHAM S. WOLF ROSENBACH.

# NECROLOGY.

Lucien Moss, one of the original members of this Society, died of disease of the heart, at his residence, No. 1631 Chestnut St., Philadelphia, on Friday the nineteenth day of April, 1895.

Mr. Moss was the son, and eldest child, of Eleazar L. and Mary L. Moss, and the grandson of John Moss, a prominent citizen of Philadelphia in the early part of this century. He was born in Philadelphia on May 25, 1831. He received his education in schools in Philadelphia and New Haven, Conn. At a comparatively early age he became a machinist, in the firm of Morris and Taws, Kensington, Philadelphia. Their principal work at that time was the building of marine engines and sugar mills. After completing his work with

them, Mr. Moss took charge of the erection of sugar mills in the island of Porto Rico. There he remained several months. On his return to Philadelphia he became a member of the firm of Wiler and Moss, brass-workers, on 5th Street below Walnut, and remained a member of this firm until 1878, when, having acquired a competence, he retired from business. His life, after this, was occupied in the duties of the various organizations with which he became connected. He was secretary both of the Hebrew Benevolent Society and of the Hebrew Relief Society, before the organization of the United Hebrew Charities, of which he was one of the chief promoters and founders, and was a member of the first board for organizing charities in that body. He became a director in the Jewish Hospital Association of Philadelphia in January 1868, and served in that capacity until his death, with an interval of three years between 1877 and 1880. He was also an officer in the Jewish Foster Home and Orphan Asylum, the Hebrew Education Society, the Mount Sinai Cemetery Association, the Jewish Maternity Association. In societies outside of his own faith, he was a director in the Lying-in Hospital at 11th and Cherry Streets, Philadelphia, the Society for the Prevention of Cruelty to Animals of Philadelphia, and of the Society to protect children from cruelty. In all of these boards his industry and good judgment made him a valuable coadjutor. He was a Free Mason of Excelsior Lodge No. 216, and a member of the Veteran Corps, 1st Regiment, National Guards of Pennsylvania. In June, 1882, he was elected by the councils of Philadelphia a member of the Board of Guardians of the Poor, having charge of the almshouse and generally the poor of the city. The political features developed during the time of his office were distasteful to him and he resigned, much to the regret of the community, in April, 1883. was the only public office he held.

Mr. Moss was twice married. His first wife was Sarah, daughter of Benjamin Nathan of New York. She died

without leaving issue. His second wife is Amanda, daughter of the late David C. Levy, formerly of Charleston, S. C., afterwards of Philadelphia. She survives him. He left no children by his second marriage.

Mr. Moss devised his entire estate, after the death of his wife without issue and the payment of a few legacies, among them \$5000 to the Jewish Foster Home and Orphans' Asylum, and \$5000 to the United Hebrew Charities, to the Jewish Hospital Association, for the founding and maintenance of "The Lucien Moss Home for Incurables of the Jewish Faith."

He was buried on Tuesday, April 23, 1895, in the Mount Sinai Cemetery, Philadelphia.

Hermann Bien was the fourth of ten children of Emanuel M. and Esther Bien. Born in 1831 at Naumburg, near Cassel in Kurhessen, he received his early education at the hands of his father, a teacher of high reputation. When of the proper age and sufficiently prepared he entered the Teacher's Seminary at Cassel, and after graduation filled several positions, one notably under the superintendence of Dr. Einhorn, who took a deep interest in him and remained his life-long friend.

In 1854 he came to this country, and not finding a position as teacher, tried to establish himself in business, but not meeting with success, went to San Francisco, Cal., where, with the aid of members of his family, he opened a school. It was patronized by the best Jewish families and was soon in a flourishing condition. An accident happening to one of his pupils during gymnastic exercises and resulting in his death, was followed by the immediate withdrawal of most of the children, and the school had to be closed for want of support.

For awhile he officiated as minister of the Temple Emanuel at San Francisco, until succeeded by Dr. Cahn, formerly of Albany, N. Y.

His next move was to Virginia City, Nevada, where he organized a school, and through his great popularity was elected a member of the Legislature, wherein he served a term with great credit.

In 1865 he published in New York a Jewish weekly journal, The Progress, which, however, was but short-lived. Through the inducement of a friend he once more turned to commercial pursuits and opened a store of general merchandise at Port Henry, N. Y., and fortune seemed to smile on him. He married the sister of his friend's wife, and apparently was settled for life, but it was not in his nature to be satisfied outside of his legitimate sphere of activity, and he was constantly looking for the opportunity of resuming his labors as an educator.

After several unsatisfactory experiments, an opening presented itself through a call as minister to the congregation at Dallas, Texas, where for a number of years he filled this position acceptably and did much for the building up of the congregation and in furtherance of Jewish interests. He left to accept a similar office in the congregation at Vicksburg, Miss., where he expected to find a wider field of usefulness. Here he spent the remaining years of his life, teaching, preaching, and by precept and example demonstrating what it is to be a good Jew. As a Christian friend said of him, "He fought for Israel on a high plane."

Ever studious, he acquired great knowledge in various directions. As a musician he was no mean performer on the violin and the piano. Early in life he manifested unmistakable poetical talent, which he cultivated with assiduity to the end of his days. Aside from many youthful minor productions, he wrote a drama, "Samson and Delilah," which during his residence at San Francisco was performed several times at its principal theatre with applause. A volume of poems from his pen contains many a gem, and his Purim and Chanucah plays were the delight of youthful performers and increased the interest in these festivals. His last and

most important work, "Ben Beor," contains in fantastical frame a vast amount of information, being in fact an epitome of the martyr history of the Jews through eighteen centuries, until the dark clouds of oppression and persecution are dispelled by the sun of liberty, "the declaration of independence of the United States."

A frequent contributor to the Jewish and secular press, he was a staunch defender of the rights of his co-religionists, and the honor of the Jewish name and his last notable contribution was a masterly exposition of the truth as regards the historical Jewish Sabbath against the untenable position taken by Mr. Gladstone.

He died April 22, 1895, respected and beloved by all who knew him and mourned by the people of all faiths, of the city wherein he had dwelt for years, a blessing to many.

# GIFTS AND EXCHANGES.

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Mrs. Judith S. Cohen.—Fac-simile of an early map of New York.

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גְּחָבֶר וְהוֹנְת בְּעִיוֹן נִכְּרֵץ עֵל יְבֵי וְ יְחוֹרָה מוֹנישׁ | Composed and accurately corrected, | by Judah Monis, M. A. | Boston, N. E. | Printed by Jonas Green, and are to be sold by the Author | at his House in Cambridge, MDCCXXXV. Quarto. 3 unnumbered pages (errata, dedication, and preface), pages 1–94, and Table of Contents, 2 unnum-

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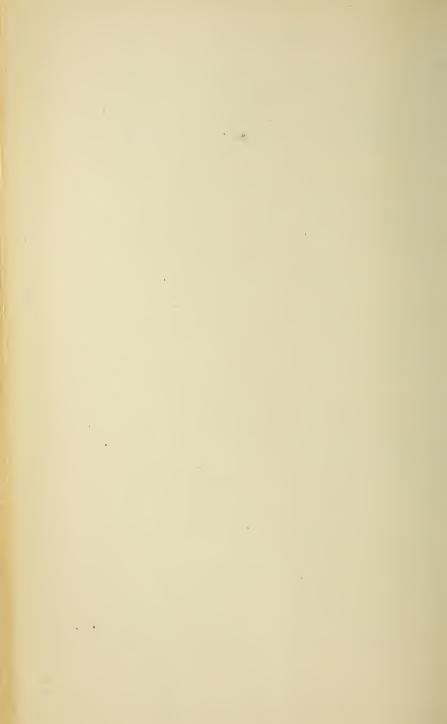
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Isaac Minis, Savannah, Ga. 1893. Jesse Seligman, New York. 1894. Rev. Dr. A. Kohut, New York. 1894. Lucien Moss, Philadelphia. 1895. Rev. H. M. Bien, Vicksburg, Miss. 1895. George Shea, New York. 1895. Messrs. Brentano, 31 Union Square, New York, are the sole agents for the sale of the publications of the Society.

Publication No. 1, 1893 (143 pp.), containing the following papers:

- Address of the President. Hon. Oscar S. Straus.
- The Settlement of the Jews in Georgia. Chas. C. Jones, Jr., LL. D.
- Mickvé Israel Congregation of Philadelphia. Rev. Sabato Morais, LL. D.
- Some Unpublished Material relating to Dr. Jacob Lumbrozo, of Maryland. Dr. J. H. Hollander.
- Beginnings of New York Jewish History. Max J. Kohler, M. A.
- Notes on the Jews of Philadelphia, from Published Annals. *Prof. Morris Jastrow, Jr.*
- The First Publication of a Jewish Character printed in Philadelphia. *Prof. Morris Jastrow, Jr.*
- Jews Mentioned in the Journal of the Continental Congress. Dr. Herbert Friedenwald.
- A Landmark. N. Taylor Phillips, LL. B.
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# No. 2, 1894 (207 pp.), containing the following papers:

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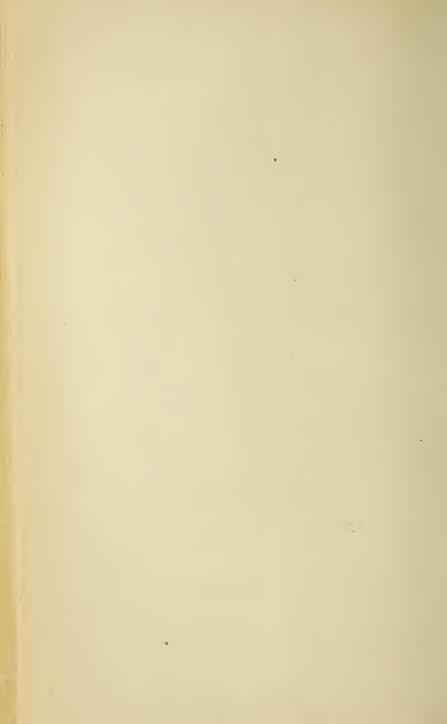
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# PUBLICATIONS

OF THE

# AMERICAN

# JEWISH HISTORICAL SOCIETY

No. 6



Published by the Society 1897

# AMERICAN JEWISH HISTORICAL SOCIETY.

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#### OBJECTS.

The object of this Society is to collect and publish material bearing upon the history of our country. It is known that Jews in Spain and Portugal participated in some degree in the voyages which led to the discovery of America, and that there were Jews from Holland, Great Britain, Jamaica and other countries among the earliest settlers of several of the There were also a number of Jews in the Conticolonies. nental army, and others contributed liberally to defray the expenses of the Revolutionary war. Since the foundation of our government a number of Jews have held important public The genealogy of these men and the record of positions. their achievements will, when gathered together, be of value and interest to the historian and perchance contribute materially to the history of our country.

The objects for which this Society was organized are not sectarian but American. The co-operation of students of history and of all persons who have an interest in the work of this Society is cordially invited.

The National Council of Jewish Women held its first convention in the city of New York, November 15th to 19th, 1896. Various organizations throughout the country were invited to send delegates, who were requested to deliver short addresses before the convention. The Society appointed its President, the Honorable Oscar S. Straus, as its representative. He presented the objects of the Society in the following words:

I represent the American Jewish Historical Society, and I bring from them to you, ladies of the National Council, most cordial and hearty greetings. We are engaged in the gathering of facts of history, and you may rest assured that we are watching you with an historical eye. We expect you to work such achievements as to make an impress not only upon the Jewish women of America, but to uplift the community in which we live so as make an epoch of our day and our generation. We hope and expect this not only for your sakes, but for the sake of historians, whom you are to furnish with material, for we promise you that we will reserve the brightest page in our annual records for the noble achievements of the National Council of Jewish Women. I observe with considerable satisfaction that history is one of the subjects to which you give your attention, and to which you are endeavoring to give a new impetus. If, indeed, philosophy is to history as teaching by example, where is the history that contains a more complete and eloquent book of philosophy than the history of the Jews, which extends as an unbroken chain through four thousand years? The American Jewish Historical Society is not a sectarian institution. It is American. And as American Jews we feel it our duty

to cast every light it is possible to bring to bear upon early colonization and development of civilization upon this great continent of ours. Dr. Kayserling, the eminent historian, has very truly said that the last chapter of the Jews on the Iberian Peninsula is their first chapter on the continent of America. It is generally believed—and now I want to take nothing away from the reputation of any woman living or dead—that Isabella sold her pearl necklace and her valuable jewels, for the purpose of fitting out the caravels of Columbus. Spanish historians themselves state that it was not Isabella; not because she was not generous enough to do this, but she had already pawned or sold her jewels to defray the expenses of the wars then devastating the Iberian Peninsula, and so it was not in her power to do it. But the money was furnished by no other person than the Treasurer General of Aragon, who was born of a Jewish mother and a Jewish father. Louis Santangel and Gabriel Sanchez, the Treasurer General of Aragon and the Councillor and Comptroller of Aragon, were the men who were really the patrons of Colum-This is not a theory, it is the actual fact, corroborated as facts of history are corroborated. And the reports made by Columbus and sent home were addressed to the first two American Jews, as I think I must call them. Then it will be asked, were there any Jews with Columbus when he discovered this continent? As a matter of fact, the entire register of the men who sailed with Columbus has been lost, but a great many of the names of the men who sailed with him have been recovered, and among them are undoubtedly The interpreter whom Columbus took with him, Luis de Torres, was a Jew. A nephew of the Treasurer General of Aragon, Sanchez, was delegated to go with Columbus by the special request of Queen Isabella. The surgeon of the ship was a Jew, and there were two other Jews upon the ships. I state this merely to bring forcibly to your minds that our work comes immediately within your sphere, and I wish and I hope, as only one or two members of your

great Council are members of our Society, that you will come rushing in to us. We will receive you with open arms. I want to make one more statement in reference to American History which I know will be of interest. The Jews driven out of Spain and Portugal were among the earlier settlers in South America, in Barbadoes, Brazil, Jamaica, and in other countries of that continent. The very first commerce developed by the Pilgrims and Puritans who came to settle the bleak New England shores was with the very South American countries wherein were settled the refugees from the Iberian Peninsula, and it is now pretty evident that but for the mercantile skill of those settlers, enabling the New England colonists to trade off the product of their soil, the settlement of New England and its prosperity would have been retarded surely half a century. And we feel that we are doing a great service to the historians and historical writers of this country in bringing together these important facts bearing upon the development of this continent, and we feel that our studies and your inspiration must to a great extent go hand in hand. At any rate, we are delighted to take your hands, whenever you will proffer them to us.

#### FIFTH ANNUAL MEETING.

The fifth annual meeting of the Society was held at Baltimore, on Wednesday, January 27, and Thursday, January 28, 1897, about forty persons being in attendance. In the absence of the President and Vice-Presidents, Mr. Mendes Cohen presided at the several meetings.

In presenting his annual report the Secretary made mention of the success of the previous meeting held at Philadelphia, by reason of the number and quality of papers presented, and the large attendance at the several sessions.

He also said that during the year just past the Society had made satisfactory advancement and that its field of work was ever extending; that on account of the special attractiveness of the subject and the wealth of material in existence relative thereto, much of the attention of the more active members had been turned to the history of the settlements of Jews in Mexico, Central and South America and the outlying islands. It was gratifying to report that the membership list showed a slow but steady increase. At the previous annual meeting there were 165 members. In spite of a few resignations the number had grown until at that time it reached 211, consisting of 6 Honorary, 13 Corresponding and 192 ordinary members. During the year the Society lost no members by death. In addition, however, to the deaths announced at the previous meeting, mention should have been made of that of the Hon. George Shea in 1895. earnest hope was expressed that the members would seriously hold in mind the circular sent to them and make an endeavor to increase the membership of the Society.

On behalf of the Committee on Publication, after consultation with the Executive Council, the request was made that papers presented at the annual meetings of the Society be not published elsewhere until they have first been printed in the Publications of the Society. Attention was called to the new seal designed for the Society by the committee appointed for that purpose (Mr. Barnet Phillips, Rev. Dr. G. Gottheil, Mr. Mendes Cohen), and which had its first usage on the cover of Publication No. 5, then just issued.

It occasioned no slight gratification that he (the Secretary) was able to report most satisfactory results arising out of the system of exchanges entered into with learned societies in this and other countries.

The Treasurer presented the following report:

Dr.

Richard Gottheil, Treasurer, in account with the American Jewish Historical Society, Nov. 5th, 1895 to Dec. 31st, 1896.

Cr.

To Balance Nov. 5, 1895	\$1,816.33	Printing and distribut-	
To subscriptions from	,	ing No. 5	\$523.02
Members	896.56	Clerical services	124.00
To sale of Publications	76.43	Seal	36.85
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bocker Trust Co	44.86	Insurance, Freight,	
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Rev. Dr. M. H. Harris and Mr. Lee Kohns of New York were appointed a committee to audit the Treasurer's report.

On the evening of January 27, in the absence of the President, and at his request, Dr. Cyrus Adler, Corresponding Secretary, delivered an address, in which he reviewed the contributions made in the five Publications of the Society, to the history of the Jews on this continent.

The following papers were presented at the meetings:

1. Civil Status of Jews in Colonial New York, by Max J. Kohler, Esq., New York City.

2. The Beginning of the Chicago Sinai Congregation, by Rev. Dr. B. Felsenthal, Chicago (read by Miss Felsenthal).

- 3. The Removal of Civil Disabilities from the Jews in Maryland, by Dr. J. H. Hollander, Johns Hopkins University, Baltimore.
- 4. Some Newspaper Advertisements of the 18th Century, by Dr. Herbert Friedenwald, Philadelphia.
- 5. The Jews of Newport, by Max J. Kohler, Esq., New York City.
- 6. Note on the Portraits of Jews engraved by St. Memin, and Note on two Early Graduates of Yale College, by Dr. Cyrus Adler, Smithsonian Institution, Washington.
- 7. A Modern Maccabean, by Rev. Henry Cohen, Galveston, Texas.
- 8. Notice of Jacob Mordecai, Founder and Proprietor from 1808 to 1818 of the Warrenton (N. C.) Female Seminary, by Gratz Mordecai, Esq., Philadelphia.
- 9. Influence of the Old Testament on Legislation in the Colony of New Haven, by Dr. Herbert Friedenwald, Philadelphia.
- 10. Growth of Jewish Population in the United States, by Mr. David Sulzberger, Philadelphia (read by title).
- 11. Annotated Bibliography of American Hebraica, by E. Deinard, Kearney, N. J. (read by title).

The presiding officer appointed Dr. A. Friedenwald, Rev. Dr. Guttmacher, and Mr. Frederick Nathan, a Committee on Nominations. They reported the following list of officers for the ensuing year, who were unanimously elected:

President, Hon. Oscar S. Straus; Vice-Presidents, Hon. Simon W. Rosendale, Mr. Mendes Cohen, Prof. Herbert B. Adams; Corresponding Secretary, Dr. Cyrus Adler; Recording Secretary, Dr. Herbert Friedenwald; Treasurer, Prof. Richard Gottheil; Additional Members of the Executive

Council: Rev. B. Felsenthal, Prof. Morris Jastrow, Jr., Hon. Mayer Sulzberger, Mr. N. Taylor Phillips, Hon. Simon Wolf, Dr. J. H. Hollander, Mr. Max J. Kohler, Mr. John Samuel, Rev. Dr. David Phillipson.

The presiding officer appointed the following Committee on Publication: Dr. Cyrus Adler, Dr. J. H. Hollander, Dr. Herbert Friedenwald.

A vote of thanks was tendered Mr. Robert Rennert for his courtesy in placing a meeting room at the disposal of the Society.

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# ADDRESS OF THE CORRESPONDING SECRETARY,

DR. CYRUS ADLER, Washington, D. C.

[ABSTRACT.]

Members and Friends of the American Jewish Historical Society:

When a few weeks ago the President of the Society decided to make a journey to Europe for the enjoyment of a much needed rest, he invited the Vice-Presidents in turn to assume the charge of this meeting and deliver an address in his stead.

None of these gentlemen found himself able to comply, and at the urgent request of the President, though fully conscious of my own inability, and sadly hampered by lack of time and the weight of pressing official duties, I agreed to present at least so much of an address as would maintain the traditions of the Society.

Before passing to the subject-matter, I desire to express a hope, in which I know you will all join me most heartily, that Mr. Straus will soon be among us again with renewed vigor. No one knows better than myself how zealous and unremitting have been his labors in behalf of the Society. Much of the success which this Society has attained must undoubtedly be ascribed to his wisdom, his stimulus and his energy.

The present meeting is the fifth which our Society has held; and while five years is not a long period of time to contemplate, it seemed to me that it might not be out of place to review the contributions which have been made by this Society, since its formation, to the study of American Jewish history.

The Society was organized at a meeting held at the Jewish Theological Seminary in the city of New York, on June 7, 1892, forty members being present.

In looking over the stenographic report of that meeting I find some statements which deserve to be recalled. We were entering, as Mr. Straus said, upon a new field. How rich this field was probably no one had an adequate conception.

Dr. Gross and Professor Jastrow both laid stress on the importance of collecting and publishing original documents which would serve as material for the historian, rather than making the attempt to write history, in view of the paucity of the material at hand.

This suggestion has the same force as when it was first made. I cannot recommend too strongly the advisability of the collection of original material.

Since the organization, four meetings have been held, the present being the fifth. The papers presented at these meetings have been printed in five volumes of *Publications*, which, together with the published report of the meeting for organization, constitute the contributions of the Society to American Jewish history.

You will no doubt be surprised to learn that the *Publications* thus far issued number 1055 pages octavo. They are now printed in an edition of one thousand copies, and besides being sent to all the members, and sold to some slight extent, are sent to over one hundred of the leading libraries and scientific institutions throughout the world.

[Here followed a classified review of the papers which had appeared, under the following headings: General Colonial; Revolutionary; New York; Pennsylvania; Maryland; Georgia; Virginia; Kentucky; Texas; Illinois; Canada; South America and the West Indies.]

In preparing this review I have been compelled to hurry along over many interesting matters. Nevertheless you will, I think, bear me out in the assertion that the work accomplished furnishes an ample justification for the existence of our Society.

South America and the West Indies offer a rich mine, yet I should like before closing to emphasize the importance of giving the most of our attention to the territory which is now the United States. I am convinced that we have up till now but scratched the surface and shall not rest content until the rich treasures beneath are exposed to view.



# A MEMORIAL SENT BY GERMAN JEWS TO THE PRESIDENT OF THE CONTINENTAL CONGRESS.

By Dr. M. Kayserling, Buda-Pest.

When did the earliest immigration of German Jews into the free States of North America begin? This question, so important for history, has to my knowledge not been investigated up to the present time. It must at all events have begun earlier than is generally assumed. Hardly was the constitution of Pennsylvania of September 28, 1776, adopted, and the principle expressed in it: "nor can any man who acknowledges the being of a God be justly deprived or abridged of any civil right as a citizen, on account of his religious sentiments, or peculiar mode of religious worship," made known in Germany, than the thought occurred to certain Jews who were tired of the oppression which burdened them, to establish a new home in the free American States. A German Jew, whose name and domicile are not mentioned, forwarded, probably in behalf of a considerable number of coreligionists, a letter to the President of the Continental Congress at the beginning of the eighties of the last century, from which it is clearly seen that a number of German Jews had the intention of settling in America. "Many of us"so we read at the close of this very noteworthy letter-"have learned with much satisfaction, from the peace made by the mighty American States with England, that wide tracts of land had been ceded to them which are as yet almost uninhabited. More than a century may elapse before the inhabitants of the thirteen united provinces will so increase as to populate and cultivate even the land which is already possessed by these provinces, in such a degree as a

duchy in our country is populated and cultivated. Your religion cannot prohibit you from leaving these deserts to us for cultivation; besides, you have been for a long time tolerating Jews near you. Whether policy might forbid you that, I do not know. At all events you have the legislative power in your hands, and we ask no more than to be permitted to become subjects of these thirteen provinces, and would gladly contribute two-fold taxes for their benefit if we can only obtain permission to establish colonies at our own cost and to engage in agriculture, commerce, arts and sciences. Do we not believe in the same God as the Quakers do? Can our admission become more dangerous and precarious than that of the Quakers? Supposing that two thousand families of us would settle in a desert of America and convert it into a fertile land, will the old inhabitants of the provinces suffer by it? Let the conditions be stated to us, gracious President, under which you will admit us; we will then consider whether we can accept and keep them."

The condition of the Jews in Germany was then most wretched. The author of this letter presented to the President a very gloomy picture of these melancholy conditions. "You would be astonished, most mighty President," reads a passage of the letter, "at the perseverance of a German Jew, if you could witness it. The great, nay, perhaps the greatest part of them, spend almost their whole life on the highway in the pursuit of retail business, and the trader consumes for his own person nothing but a herring and a penny loaf; the nearest brook or well has to supply his drink. All that he earns besides he conscientiously lays aside in order to bring it home on Friday to supply food and clothing for wife and children. During these one and a half days when he enjoys somewhat better food and rests in the bosom of his family he forgets the wretched life which he is compelled to take up again on the next Sunday. And would you believe it, this wretch, who has to strain all his

wits to convert a capital of fifty florins nearly as many times during the year, if he wants to live by it with his family, is nevertheless not infrequently envied by many Jews? . . . Granted that a Jew has at last become possessor of a capital that would suffice to support a family, still he will not be able to marry the woman he loves. Most of the time and in most of the German provinces he is obliged to acquire protection money for a sum which reduces his property to a half or one-third. But love overcomes this difficulty too. He strains his energies anew, again completes his capital and then seeks for permission to marry. If he obtains it, the experience just described is repeated, for he has to pay dearly for this permission, and the expenses of a wedding are not less among Jews than among Christians." The petitioner in the course of his letter touches on many other sore points in the condition of the German Jews of that time. He by no means ignores the efforts of Dohm and other philanthropists, still he does not indulge in the hope that his coreligionists in Germany will soon enjoy a more tolerable "Here and there something has been done for us, but this may be likened to the taking off of two pounds from one who carries a burden of two tons."

Involuntarily the question suggests itself, who was the German Jew who a hundred and twelve years ago applied to the President of the United States of North America with this petition?

Of this letter, which first appeared in the Deutsches Museum of June, 1783, a separate edition was published in 1787 under the title, Schreiben eines deutschen Juden an den nordamerikanischen Präsidenten,\* and in order to invest it with greater importance and to give it a wider circulation it was ascribed to Moses Mendelssohn, who was already dead—nay, the editor even avails himself of a trick to preface it by a letter of Mendelssohn to one Isaac Tr—n. The letter reads (p. 3):

<sup>\*</sup>Frankfort and Leipsic, 1787 (23 pages).

# "Most esteemed friend,

You have probably read Mr. D——'s\* excellent pamphlet on the political amelioration of the Jews; if not, then do read this brief essay in form of a letter by a German Jew to the President of the Congress of the United States of America. The author of this small pamphlet condensed all that you can find in the publication of D—— mentioned above.

M. M."

One needs only read this letter to be convinced that he has not to do with a production of Moses Mendelssohn. Moses Mendelssohn did not write a single line for the *Deutsches Museum*. If he were the author of the letter, which must have at that time caused a great sensation, it would certainly not have remained a secret. Who can give more information concerning the petition and its result?

<sup>\*</sup> Dohm.

# DOCUMENTS RELATING TO THE ATTEMPTED DEPARTURE OF THE JEWS FROM SURINAM IN 1675.

EDITED BY DR. J. H. HOLLANDER, Johns Hopkins University.

The documents here for the first time printed in full, from the manuscript records of the Public Record Office in London,\* are presented in abstract in the "Calendar of State Papers; Colonial Series, America and West Indies, 1675–1676," edited by W. Noel Sainsbury (London, 1893). They describe an episode not only of interest in the history of the Jews of Surinam, but of considerable significance in any study of the civil and political status of Jews subject to English rule, whose condition had been improved neither by naturalization nor denization. The fact is made strikingly evident that the same government which denied the privileges of a British subject to a Jew, even though born or long resident on English soil, was quick enough to merge all distinctions and to insist that Jews resident in Surinam were British subjects, when manifest advantage lay in so doing.

The documents tell their own story, and but a word of introduction is necessary.† In February, 1667, Surinam, then an English colony under the government of Lieut.-General William Byam, surrendered to a Dutch fleet in command of Abraham Crynssens. The articles of surrender

\*A transcript of the documents was made by the writer while in London in August, 1895. The present imprint is from copies secured through the courtesy of Dr. Herbert Friedenwald, and checked by the earlier transcript.

†For a convenient summary see Mr. Sainsbury's prefaces to the three volumes of the "Calendar of State Papers: America and West Indies." The facts relating to the residence of the Jews in Surinam are partially summarized in Felsenthal and Gottheil's "Chronological Sketch of the History of the Jews in Surinam," in Pub. Amer. Jewish Hist. Soc., No. 4, pp. 1-8.

provided that English subjects desiring to leave the colony should be at liberty to do so. Six months later Surinam was retaken by an English fleet under command of Lieut.-Col. Henry Willoughby and Sir John Harmon, and became again an English colony. By the treaty of Breda (July 21, 1667), Surinam was, however, restored to the Dutch, and provision again made for the free departure of English subjects. A number of colonists left Surinam, not, however, without some opposition on the part of the Dutch In the treaty of Westminster (February 9, authorities. 1674), the freedom of English subjects to sell their estates and depart from Surinam was again specifically affirmed. Finally, early in 1675, the States General issued orders to this effect to Captain Vorsterre, then governor of Surinam. Upon the report of the commissioners for Trade and Plantations, King Charles sent two commissioners (Edward Cranfield and Marcus Brandt), with three ships to bring off English subjects desiring to leave the colony.

The narrative at this point is continued by the documents proper.

I.

[Colonial Papers (MSS.), Vol. 34, No. 113.]

Calendar, Art. 622. Surinam, 11th July 75

May it Please yor Honr

Vpon ye 6th Aprill, 75 we sayled out of ye Downes wth his Mats Shipp Hunter in company wth ye Hercules and America. On ye 8th we anchored in Tarr-bay about 4 in ye afternoone, by reason ye wind tooke us Short. On ye 12th we sayled from thence makeing ye best of our way towards Madera. On ye 21th mett wth a fleet of Shipps bound for ye Channell by whome we gaue aduice. On ye 27th we gott in Madera road. ye Gour there denying us produck unlesse we would enter ye Kings Shipp Hunter as a Mercht man we'h we refused, whereupon we weighed and came to say\* ye same day makeing

<sup>\*</sup> Perhaps sayl. The margin torn off.

ye best of our way to Surinam. On ye 14th May being in ye lattitude of 13d we mett wth 2 Ships bound for Barbadoes by whome we wrote to yor Honr. On ye 29th we had a good land fall makeing about 2 in ye afternoone Cape Orange, and at 6 in ye Euening ye Cunstable, both being about 80 leagues to ye Eastward of ye river of Surinam, ye Coast prooueing Shoaley was forced to anchor in ye nights. Soe yt we arrived not to ye mouth of ye river till ye 2d June foll. weh fell out to be ye lowest of ye Niep tides, whereupon a Consultacon being had it was concluded not to adventure over ye barr while ye rise of ye Spring tides, weh caused us to dispatch a boat to ye Gour to give notice of our arrivall, who by ye returne of ve boat sent off a pylott wth inuitacons to come ashoare whereupon we went ashoare carrying wth us all letters and Coppyes, weh we deliuered ye 4th and tooke his receipt: who recd us wth extraordnary Ciuility att Paramaribo, where ye Aduice boat rode, who arrived here on ye 28th march last past but ye Capt dyed before she was cleare of ye Channell; after we had deliuered all ye tres to ye Gour we acquainted him wth ye tenour of our Comn demaunding of him to agree on a time and place for ye Adjusting all matters necessary for ye transportacon Of his Mats Subjects and estates. further we required him to publich wthin 3 dayes ye States Order, wch was done both in English and Dutch ye next day, and sett up in Paramaribo & Tororica. Likewise he agreed to our demaunds of a time and place of meeting for adjusting all matters, wen was concluded of and publicacon made in ye Seuerall Diuisions to giue notice yt upon ye 30 June ye Gour wth two of his Councill would sitt wth his Mats Comrs att Paramaribo, for ye determining all matters as is directed by ye States Gen11 Orders. In ye meane while we endeauoured to informe our Selues from ye most intelligent persons of ye State & of ye perticuler cases of all things yt might reasonably fall under debate. As publicacon was formerly made we satt on ye day and place abouesaid for ye ending of all differences wth himselfe and two of his Councill. Soe yt in 4 dayes after all matters were brought to a finall determinacon

according to Justice and good equity. Also at ye same time ye Gour gaue satisfaccon for ye Cattle and prouision taken away in time of Warr, & any thing els yt did appeare to be any wayes due; likewise execucon to issue in 3 dayes against ye Stayers. If paymt should not be made to his Mats Subjects according to Sentence; they are all in generall resolued to goe directly to Jamaica to wen place we were obliged to promise them Transportacon els three families would not haue remoued. Its such a Supply yt may reasonably conduce more to ye aduantage of ye place then 4 times ye number from Europe; both in respect of their Seasoned Constitutions, and great experience in planting, most of them haveing been att ye trade this Twenty yeares. All things being accomodated in an Amicable manner, and complyance giuen to all demaunds, except ye detencon of two or three Orphans, they being left perticulerly to ye care of ye Gour (and his Councill) whoo will give reasons under his hand upon ye refusall; now since all things are adjusted wth ye Gour and finally determined betweene party and party, we thought it a principall part of our duty to render you a perticuler acco by ye Hunter, haueing noe further Seruice for her here. haue also giuen notice to his Mats Subjects yt at ye next full moone we intend to Sayle from this place directly for Jamaica, from whence you shall have a further account of Our proceedings weh is all at present from

Yo<sup>r</sup> Hon<sup>rs</sup> most humble Obed<sup>t</sup> Seru<sup>ts</sup>
EDW. CRANFIELD
MARCUS BRANDT

[Addressed] For ye Rt Honble Sr Joseph Williamson Prin Secry of State to his Maty of Great Brittaine

[Endorsed] Surinam
11 July 1675. R. Sept. 19.
his Ma<sup>tys</sup> Comiss<sup>rs</sup>.

TT.

[Colonial Papers (MSS.), Vol. 34, No. 115.]

Surinam, 11th July, 75

Calendar,

May it please yor Honr:

Since we closed our letters we have occasion to add this concerning ye Jews who demaunded transportacon wth his Mats Subjects, whereupon ye Gour told them his order from ye State[s] was to suffer only ye English to goe. We conceiveing it to be an incroachmt upon ye Articles of Surrender interposed, upon weh he replyed ye 5. Article of ye last treaty menconed only ye English in ye Dutch translacon, but ye Originall wen was in latine was Subjects wen comprehends all, els ye Scotch & Irish might be detayned wen made his Argum<sup>t</sup> fallacious whereupon he desired time to consider on it, after wch he complyed therein and made publicacon at ye Gen<sup>11</sup> Court yt it should be lawfull for ye Hebrew Nation to depart. But since here is a Shipp arrived from Holland (as he pretends) brought Orders for Stopping them. find he hath made it occasion of pretence. Understanding ye Mayor of ye Garrison had been all ouer ye Country to take a list of ye Dutch Inhabitants, I tooke an occasion to insinuate my Selfe more perticularly to pump him out of ye Number w<sup>ch</sup> he told me was but 130, besides ye Garrison w<sup>ch</sup> containes about 140 more. And finding ye Jews to be as considerable both for Number and fortune, and yt since he had publisht they might all depart more had given in their names then he expected wch wholly altred his resoluçons of Suffring them to goe, beleeueing it would be an immediate destruccon to ye place, weh is ye only ground (I presume) of altring yt weh he had given his concession unto, weh is all at present vor honrs most humble & Obedt Seruts from

> EDW CRANFIELD MARCUS BRANDT

[Endorsed] Surinam 11 July
R 11 Oct: 1675
duplicate Mr Cranfeild &c.

#### III.

[Colonial Papers (MSS.), Vol. 35, No. 22111.]

Calendar, Art. 675111.

Protest of ye
English
Commrs agt ye
Dutch Govr for
detaining the
Jews & free
Indians with
the answer of
the Dutch
Govr to the
said Protest
Ent

Whereas his Sacred Maj<sup>ty</sup> of Great Brittaine, our most Gracious Soueraigne hath intrusted us Edward Cranfield Esq<sup>r</sup>, Cap <sup>t</sup> Richard Dickenson, & Marcus Brandt Gent<sup>n</sup> with a Com<sup>n</sup> under his great Seale of England beareing date y<sup>e</sup> 28<sup>th</sup> March 75: to demaund, require, and see to y<sup>e</sup> execucion of certaine Orders of y<sup>e</sup> High & Mighty Lords y<sup>e</sup> States Gen<sup>11</sup> of y<sup>e</sup> Vnited Prouinces and Netherlands, directed & addressed to Peter Versterre Gou<sup>r</sup> of Surrinam, in pursuance of certaine Articles of Surrender and treatyes of Peace att Breda, bearing date y<sup>e</sup> <sup>20</sup>/<sub>30</sub> Aprill, 68 and y<sup>e</sup> Article of peace of y<sup>e</sup> 16<sup>th</sup> March, w<sup>th</sup> y<sup>e</sup> late treaty of peace att Westminster beareing date y<sup>e</sup> <sup>9</sup>/<sub>19</sub> Feb<sup>ry</sup> 73 made between y<sup>e</sup> English and Dutch in y<sup>e</sup> late hostillity, and since ratified by y<sup>e</sup> approbacon & confirmacon of y<sup>e</sup> King our Master, & of y<sup>e</sup> Lords States Gen<sup>11</sup> on both parts respectively.

AND whereas its amongst other things expressly prouided and agreed upon, both by ye abouesd Articles of Surrender & treatyes of Peace, & by ye dispatches, & Orders of ye Lord States Gen<sup>11</sup> y all ye Kings (our Master) Subjects of wt degree, or condicon wtsoeuer inhabiting in Surinam, should haue full liberty then, or att any time after, to depart from under ye Gouernmt & dominion of ye Dutch as by ye Articles of ye late treaty of peace att Westminster beareing date as abouesd, yt all yt were Inhabitants in ye time of Surrender of this Colony should have power to removue themselves & estates to any other place, in his Mats Shipps wch are or should att any time be sent, wthout excepcon or hindrance wtsoeuer, & yt they should have liberty in yt case to sell their goods & Estates respectively, & transport themselves in his Mats Shipps as is directed in ye aforesaid Articles & treatyes.

And whereas we have in pursuance of his Mats Instructions delivered ye said Orders of ye States Gen<sup>11</sup> & desired wth all

respect & Earnestnesse ye execuõon of ye said dispatches & Orders, as also of ye Articles of Surrendr and treatyes abouesaid from ye said Gour in all poynts.

And, whereas in our addresses to ye sd Gour we have humbly desired his Honrs Concession to all our said requests for ye better Composeing of all grievances of ye aforesd Inhabitants his Mats Subjects, and given an happy period to all differences to weh his Honr has not given Satisfactory answer, nor fully satisfied our demaunds, haveing given a flatt deniall concerning ye removuall of ye Hebrew Nation, & free Indians yt are Domesticks & belonging to his Mats Subjects, haveing lived many yeares in their families.

AND now whereas our requests, addresses and demaunds in ye behalfe of ye Hebrew Nation, for ye remoouall of them & their estates, and ye free Indians haue been rejected & ye execucon of ye aforesd Articles and treatyes Waued and not executed accordingly

THEREFORE know all men by these presents That Wee Edward Cranfield and Marcus Brandt doe protest in ye presence of almighty God, and ye witnesses Subscribed, yt we on our parts have used all dilligence & earnestnesse possible to dispose ye said Gour to ye due execucion of ye aforesaid Articles Orders & dispatches, & to obtaine & procure from him liberty for all yt were Inhabitants in ye time of ye Surrender to embarque & transport themselves, & estates, as also ye free Indians in ye Ships wen his Maty has now sent according to ye aforesd Articles & treatyes.

And wee doe protest y<sup>t</sup> y<sup>e</sup> cause & occasion y<sup>t</sup> these Articles of Surrender & treatyes of peace in these perticulers aboutemenconed are not observed, and executed must wholy lye att y<sup>e</sup> doore of y<sup>e</sup> said Gou<sup>r</sup> & att y<sup>e</sup> doores of those, who are, or were Authors & Instruments of his soe refuseing to observe and execute y<sup>e</sup> abouesd Articles and treatyes, to y<sup>e</sup> Infinite prejudice and hindrance of y<sup>e</sup> Hebrew Nation w<sup>ch</sup> hath been done as aforesd.

Also we doe solemnly protest against ye Gour for detain-

ing ye aforešd free Indians, yt are domesticks & of ye families of his Mats Subjects, haueing by an Order under ye said Gour hand brought to us by ye Secry & Marshall to command ye said free Indians a shoare, went we were forced to comply wth all, though to ye great prejudice of his Mats Subjects & discontent to ye Indians, who are uery willing to goe along wth their Wiues and Children.

AND all ye Mischieuous consequences yt may arise by ye detaining of ye said Hebrew Nation yt were Inhabitants in ye said Colony as abouesd and also ye free Indians, are and ought wholly to be imputed to ye sd Gour and his said Authors & Instruments & to noe other.

We under written heard this protest read to ye Gour Rich. Scott, Andrew Knight, Hierome Westhorpe.

By Command of his Ma<sup>ts</sup> Com<sup>rs</sup> I read this protest to y<sup>e</sup> Gou<sup>r</sup> of Surinam, w<sup>ch</sup> answer he has Ordred his Sec<sup>ry</sup> to write in Dutch w<sup>ch</sup> is as followeth

JNO MILLETT cl.

[Endorsed] Protest of ye Eng. Commrs

agt ye Dutch Govr

for detaining ye Iewes

and free Indians with

The Answer of ye

Dutch Govr to ye sd

Protest. dat. 21 Aug. 75

IV.

[Colonial Papers (MSS.), Vol. 35, No. 22II.]

### Translate

Calendar, Art. 675II.

Answer of the Govern<sup>r</sup> to y<sup>e</sup> Point concerning y<sup>e</sup> Hebrew Nation.

When I shall have received more clear & expresse orders from My Masters the L<sup>ds</sup> States Generall & y<sup>e</sup> L<sup>ds</sup> States of Zeeland concerning the demand of y<sup>e</sup> Hebrew Nation, I shall allwayes be ready to lett them passe, & in the mean while do believe I have fully satisfyed the demand of the Comm<sup>rs</sup> as having given leave to all the Jewish Nation that were free Denisons of England, & denied it only to such as were not so.

#### V.

# [Colonial Papers (MSS.), Vol. 35, No. 22<sup>v.</sup>]

A List of Such persons of ye Hebrew Nation willing to Galendar, depart & transport themselues & Estates to Jamaica, but hindred by ye Gou<sup>r</sup> yet hope for, & humbly request another Occasion.

8	laue
Isaac Perera	40
Jacob Perera	40
Dauid Perera	10
Isaac de Prado	<b>4</b> 0
Isaac de Mera	70
Aaron de Sylua	74
Isaac Gouia	<b>25</b>
Gabriell Antonijs	15
Moses Baruch	06
Benja. Perera	02
_	
3	22
	22

There are Severall others resolue to goe when occasion shall present.

Ent.

# [Endorsed]

A list of his Ma<sup>ts</sup> Subjects & A list of such persons of y<sup>e</sup> Hebrew Načon willing to transport themselues & Estates to Jamaica.

#### VI.

[Colonial Papers (MSS.), Vol. 36, No. 23.]

Calendar, Art. 818. At the Court at White Hall
the 11<sup>th</sup> of February 1675
Present
The Kings most Excellent Maj<sup>te</sup>
in Councill.

Vpon reading the Petition of Aron de Sylva and Issaack Peiriera on the behalfe of Themselues and diverse other Jewes Inhabitants with in his Majtes late Colony of Surynam, Setting forth that the Petrs and about Ten other Iewes formerly setled Themselues in Plantations in Survnam and became his Majtes Subjects being made free Denizens by Letters Patents vnder the Great Seale. That in the 5th Article of the late Peace with Holland, It is expressly agreed that the States Generall shall suffer all his Majtes Subjects to dispose their Plantations in Surynam, and transport themselues with their Servants and Effects into any other of his Majtes Plantations. That Mr Cranfield in the presence of the Dutch Governor of Surynam promised to take the Petrs into his Care equally with the other of his Majtes Subjects, Whereupon they disposed of their Plantations and Ships, 250 of their Negros; but when they would have departed with the rest of their Servants the said Gouernor Stopt them, and absolutely refused to let them go as in the said Petition is more at large exprest, And praying his Majte to have Compassion on Them. It is this day Ordered by his Majte in Councill that a Copie of the said Petition be deliuered to the Right Honoble Mr Secretary Williamson who is as well to speake with the Dutch Ambassador concerning the same, as to direct Sr William Temple his Majtes Ambassador at the Hague to Complain thereof to the States Generall and to obtein their orders for the discharg of the Petitioners and their Servants, That they may be at liberty to go to Jamaica,

where they are to be received by the Gouernor, and to have the same measure of favour weh other of his Majtes Subjects have had in pursuance of his Majtes Instructions formerly given in that behalfe; And a Copie of mr Cranfields Protest is also to be annexed to the said Petition.

ROBERT SOUTHWELL

[Endorsed] Feby 11 R. 22. 75 Order of Councill about certaine Jews his Maties Subjects att Surinam

Les non

#### VII.

[Colonial Papers (MSS.), Vol. 36, No. 231]

Plainte ayant esté faict au Roy mon maistre dans son con-Calendar, Art. 8181. seil, que le gouverneur de Surinam n'a pas Voulu donner permission a certaines Juifs sujets de sa Mate de se transporter de la dite Colonie avec le reste des Anglois quand les Comissaires du Roy y furent envoyees: Sa Mate m'a comande d'en faire part a son Exce Mons Van Benningen Ambass Exre de Messrs les Estats generaux, et le prier de le Vouloir representer aux dits Estats, afin qu'ils donnent les ordres necessaires a leur gouverneur de laisser partir librement les dits sujets du roy avec leur gens selon le teneur du 5me Art. du dernier traitte de paix entre sa Mate et les susdites Estats graux. Fait a la Cour a Whitehall ce 23me de Fevrier. 1675.

ns des susdites personnes.	Le nombre de leur gens.
Isack perera	40
Jacob perera	40
Dav: perera	
Benj. perera	
Isack de pradoe	
Isack de la paxa	
Isack govia	
Aron de silva	
gabri: Antoniis	
Moses Baruch	
	332

#### VIII.

[Colonial Entry Book (MSS.), Vol. 104, pp. 117, 118.]

Calendar. Art. 924.

At the Committee of Trade and Plantations at the Councill Chamber in White Hall Thursday the 18th of May 1676.

### Present

Lord Treasurer Earle of Craven Lord Privy Seale Earle of Carbry Earle of Bridgwater Mr Secry Coventry

Earle of Bathe

Surinam, Mr. Cranfield.

Mr Cranfield did this day attend, and gaue an accompt of his Proceedings vpon his Majtes Commission & Instructions bearing date the 28th of March 1675 for the bringing of his Majtes Subjects from Surinam. He likewise presented to their Lops a narrative in writing to the Same effect, wen was read.

The Lords Ordered mr Cranfield to give in a Memoriall Simpson, about the Case of one Simpson, who, as he said, had behaved himself ill at Surinam.

Mr Secry Williamson is to be asked what effect his Majtes Jewes. last Orders had in Holland for demanding the Jewes deteined in that Colony.

Mr Secry Williamson returned for answer That ye Hollanders denied that ye Jewes were his Majtes Subjects or free Denizens. . . . . . .

#### IX.

[Colonial Papers (MSS.), Vol. 36, No. 7511.]

Calendar. Art. 93211.

At the Committee of Trade & Plantations at the Council Chamber at Whitehall Thursday May the 18th 1676

#### Present

Lord Treasurer Lord Privie Seale Earle of Bridgwater Earle of Bathe

Earle of Craven Earle of Carbury

Mr Secry Coventry

The Right Honble The Lords of the Committee for Trade Jews of Surinam. & Plantations taking this day into consideration Mr Cranfields Narrative touching the Execution of his Commission for transporting His Maties Subjects from Suriname Doe direct that Mr Secretary Williamson be asked what effect His Maties late Orders in Councill have had for demanding from the States of Holland, Those of the Jewish Nation who are detained in that Colony contrary to the late Treaty of Peace.

Mr Secrery returned for answer That The Hollanders did Meman deny that the Jewes were His Maties Subjects or free Denizens.

[Endorsed] 18th May 1676 Minute of the Committee of Trade and Plantations Touching the Jews

at Suriname.

X.

[Colonial Papers (MSS.), Vol. 36, No. 751.]

A Narrative of proceedings upon his Maties Calendar, Comssns and Instructions bearing date ye Art. 9321. 28th March 1675 for ye bringing of his Subjects from Surinam

Vpon the 6th of Aprill 1675 we sailed out of the Downes towards the River of Surinam with his Mats Shipp Hunter the America and Hercules vnder her Convoy the Wind blowing fresh at North on ye 8th it veared to the W. S. W. which put us into Tarbay where we rode till ye 12th following etc.

On ye <sup>4</sup>/<sub>14</sub> of June Landed at Paramaribo where we were received by the Governor with Civility the same time we had a List of those that had then given in their names that intended to remove by Mr John Trott who had directions to Execute his Ma<sup>ts</sup> instructions etc.

After we had delivered all the Letters to the Gov<sup>r</sup> we acquainted him with the Tenour of Our Comission demanding of him to agree a time, and place of meeting for the adjusting of All matters for the transportation of his Ma<sup>ts</sup> Subjects and their Estates; further we required him to publish within 3 days the orders now sent him from the States Generall which was done the next day both in English and Dutch and sett up at Paramaribo & Toororica etc.

#### Peter Versterre Gov<sup>r</sup> etc.

To all People to whom these presents shall come Greeting.

The Publiqua'

Whereas it is agreed betweene the hoble the Govr and the Hoble the Comrs of his Matie of Great Brittaine and found convenient to give notice to all Persons & appoint a day went they doe hereby, for to decide and adjust all differences which may arise concerning debts, betweene the Dutch and Hebrew Nation and English who are to depart. Wee therefore doe hereby make knowne and manifest to all Persons That from the next wednesday come fortnight being the 10th of July of this present they doe appeare here at Paramaribo for to have all their differences examined and decided we doe therefore order the Dutch Hebrew & English Nation that they without faile performe the premises and also draw their accots of Dr Cr wch are betweene themselves, discompting one debt with another as much as Possible may be and to the end noe person may pretend ignorance the Hoble the Comrs of his Matie of Great Brittaine doe hereby give notice vnto all the Persons that will depart hence that they will make noe longer stay here in this River with his Mats Shipps, then foure or five weeks time from their first arrivall without any further delay, which all departing Persons are to take notice of that they make ready for the time appointed. Given at Paramaribo the  $\frac{10}{20}$  June 1675

PETER VERSTERRE EDWARD CRANFEILD RICHARD DICKENSON MARCUS BRANDT

The time of meeting being agreed on we desired permission to Conferr with his Ma<sup>ts</sup> Subjects which was granted, whereupon we sent this Lr̃e to acquaint them with the arrivall of the Shipps and the gracious provisions his Ma<sup>tie</sup> had made for their transportations.

# Surinam River America June 9th 1675

#### GENTLEMEN

WHEREAS we his Mats Comrs having bin acquainted that information hath bin given you, by Mr John Trott of his Mats gracious intentions towards you in sending Shipping convenient for the Transportation of your famillies Servants and Merchandizes and all your Conveniencies for the making of Sugars and Indigoe to any of the Carribbee Islands and Jamaica or to England if it should be desired, now to the intent you may be further satisfied weh particulars we thought good to notify to you that the Shipping wherein you are to Embarque are all arrived with the provisions for victualling you and your Slaves in your passage or to be delivered you at your arrivall where you shall desire to be transported also the Letters we have from his Matie to his Govrs to receive you with kindnesse and Civility and that if you desire to goe to Jamaica, by the head as well for yor Slaves as your Selves, double the quantity of land that is vsually allowed to other Planters and to take care that you be furnished wth provisions and other necessaries at moderate rates if you want till you shalbe able to produce them your Selves.

Now because a convenient time must be had for the adjusting all affaires with the Governor before your departure and to presse him for an hearing of all differences betweene you and the Dutch soe that satisfaction may be made according to the rationall part of the Articles of Surrender. We his Ma<sup>ts</sup> Com<sup>rs</sup> doe therefore desire you will repaire with all Expedition on Board his Ma<sup>ts</sup> Shipp America now rideing in the River neare the Reade Banke where we shall be ready to receive you and take a List of your names & number of your slaves & do you any further service that may put a period to yor businesse soe we kindely salute you and remaine

# Your Faithfull friends and Servants

To his Ma<sup>ts</sup> Subjects in Surinam as well the Hebrew Nation as English. EDWARD CRANFEILD RICHARD DICKENSON MARCUS BRANDT

Afterwards we went in Person and vissitted the severall Divisions and acquainted them with the advantageous settlem<sup>ts</sup> his Ma<sup>tie</sup> had in his owne plantations appointed for them ye better to encourage them to embarque and to informe our selves from the most intelligent Persons of the State of every pticular mans Case that might reasonably fall vnder debate at the Generall Court held for the determining of meum & tuum & likewise should not be liable to any debts in his Ma<sup>ts</sup> Colonies which were confiscated to ye Province of Zealand by vertue of ye Articles wen were made by Col. Byam upon the Surrender.

After we had acquainted his Ma<sup>ts</sup> Subjects w<sup>th</sup> y<sup>e</sup> vtmost time The States had agreed to for their departure and that 10 dayes before their Embarqueing they were to give in their names to the Gov<sup>r</sup> before their comeing off, we desired them to consult one another of a convenient and proper time for their Embarqueing and Signifying to vs their Resolutions at the Generall Court held the <sup>30</sup>/<sub>10</sub> Iune for the sealeing and determining their affaires, who accordingly did

give notice to vs that they would all be in a readynesse to embarque on the 26 Augt as we took care to avoid menaces and threats to them soe we cautioned to behave them selves in like manner wen was likewise observed by the Gov on his part; but some of the Dutch Inhabitants had raised a Report that they were to be carryed to providence next the Bahama Islands which at one time a little startled the Common sort of people but we could not fix it upon any particular Author. Vpon Our addresse to the Gov in the behalfe of his Mats Subjects as well touching such debts as the Dutch owed to them as also for the Cattle provisions and other goods which dureing the late warr were taken from them by the Gov', both demands were fairely complyed withall first by giveing Judgment and Execution in favour of the English for all just demands made by them against the Dutch also full Satisfaction made by the Gov for their Cattle provissions and other goods taken from them as was directed by order from his Superiors.

Some few dayes before the Generall appearance at the Court held for determining all matters betweene the English Dutch and Hebrew Nation the Iews that were Inhabitants at the time of Surrender repaired to us and demanded transportation with his Mats Subjects which the Gov hearing of sent to them to give them notice they were not to remove in his Mats Shipps telling them his orders from the States was only to Suffer the English to goe, which we hearing of addressed our Selves to the Gov<sup>r</sup> in their behalfes conceiving it to be a violation of the Articles of Surrender since they had noe perticular capitulacons we presumed they were to have equall benefitt of the Articles wth the English. Vpon our discoursing the matter with him he replied the 5th Article of the late Treaty made mention only of the English removing in his Mats Shipps and produced at the same time the Articles in Dutch, whereupon we told him we were not to be Governed by Dutch Translation nor would he be Governed by those in English vpon which we produced the originall

in Latin which made mention of the word Subject both at the begining and Latter end which the Jews were to his Ma<sup>tle</sup> before the Articles of Surrender. If the words Subjects be not allowed to be a Generall word of comprehension the Scotch & Irish may be detained as reasonably as the Iews.

He finding his argument not Sufficient to Collour his pretentions desired time while the Generall Court to consider on it which we consented to. Vpon the 1<sup>st</sup> day of the Court we prest him to a Resolution he declared himselfe satisfied and that the Hebrew Nation were free to depart wherevpon we desired Publicacon in the Open Court might be made to signify his consent w<sup>ch</sup> accordingly was done wherevpon severall of the Jews sold their Estates and made preparations for their departure. Some few daies after severall of the Jews came to vs to desire we would move the Gov<sup>r</sup> to appoint some persons to sitt w<sup>th</sup> vs to determine & Settle all matters betweene the Dutch and them since they had not timely notice of the freedome given them for their departure ag<sup>t</sup> the Generall Court whereupon we wrote this following Letter to him.

# Hercules Surinam River 6 July 1675

# Honoured Sr

Whereas we find that the Hebrew Nation being informed of the liberty granted by his Ma<sup>ts</sup> Instructions and your Concessions thereto severall of the said Nation are intended to transport themselves and Estates with this occasion and having lost the opportunity of adjusting their accompts with ye Country at the past Court by want of knowledge of their now allowed liberty cannot find a meanes to receive and pay their debts without your Honor will please to appoint and Constitute some persons as one or two of your Councell to effect the same their concernes lying for the most part neare or about Tororica; wherefore wee deeme it very requisite that your Honor will appoint a day and such of yor Councell as you Shall thinke fitt with pub-

lique notice that those Persons that have any thing to pretend against them as shall give in their names to remove may appeare according to your appointed time at the Towne of Toororica that Such of his Ma<sup>ts</sup> Subjects may not be debarred of their Liberty which is all at present from

 $S^{r}$ 

To the Hoble Peter Versterre Governor of Surinam Your Honors humble Servants
EDWARD CRANFEILD
MARCUS BRANDT

At the same time we sent this Letter downe to the Governor there came in a Shipp from Zealand by which he pretended to have received Orders from the States not to suffer the Hebrew Nation to remove with his Mats Subjects which he sent vs answer verbally by the Messenger that carried our Letter; wherevpon we went downe to him to demand a Sight of those orders but he would not, neither indeed could he produce them. Mr Cranfeild vnderstanding by the Major of the Garrison a List had beene lately taken of all the Dutch Inhabitants he made it his Businesse to insinuate himselfe more particularly to discover the number wherevpon he told him that there was but 130 besides the Garrison who with the Merchants residing in the Towne consisted of about 140 more. The Gov<sup>r</sup> finding more of the Jews would depart then he expected did feare it might to much weaken the Colony which was the only ground we presume of altering that which he had formerly given his consent vnto. By much importunity he gave way for Signior Aaron de Silvis to send off 33 Slaves vnder the Conduct of an Overseere being one that was naturalized by Act of Parliament and finding he was deafe to all faire and friendly perswasion as we could vse in the behalfe of all the other Jews that inhabitted that Country at the time of Surrender notwithstanding some of them were free Denizens wherevpon we resolved to make a Protest against him the day before our departure a Coppy of which shall be entered hereafter.

The Generall Court opened at Paramaribo upon the \$\frac{30}{10} \frac{June}{July}\$ according to the former Summons given the Gov<sup>r</sup> with 2 of his Councell sitting with vs for the determining all Differences between his Ma<sup>ts</sup> Subjects and the Dutch. In 4 dayes time Wee brought all matters to an hearing and finall determination equally given Judgment against the Dutch as well as the English where we could not perswade the parties to compose and end their businesse amongst themselves after sentence was given according to Justice and good equity we moved in the Court that discounts and transferring of debts might be admitted of as good payments for and towards the Satisfaction of the C<sup>rs</sup> on both sides the Court giving consent therevnto wee desired the Governo<sup>r</sup> to make this following publication & to have it sett vp in publick Places.

### Surinam.

Publication.

These are to give notice that the Com<sup>rs</sup> on both Sides have thought fitt that all Discounts of what nature soever shall be accepted of as present pay as well from the Dutch & English as Hebrew Nations and that whosoever shall refuse to make present payments Execution shall be immediately issued forth against them and that all Persons concerned in businesse are to appeare here at 7 a Clock to morrow morning dated at Paramaribo <sup>3.0</sup>/<sub>10 July</sub> June 1675.

# Peter Versterre

The English in Generall we found to our great Satisfaction were rather C<sup>rs</sup> then D<sup>rs</sup> and good debts on Sugars by them Sufficient to Satisfy what they owed except one W<sup>m</sup> Wyatt etc.

As soone as we had adjusted a time for his Ma<sup>ts</sup> Subjects Embarqueing and finding the Shipping sufficient to receive them we prepared a List of their names *etc*.

The Gov<sup>r</sup> refusing to give complyance to our foremenconed Demands notwithstanding we used our utmost endeavour to

dispose him to an accommodation especially that in controversy about the Jews but he being not to be wrought upon by perswassions we excepted of such other pformances as he thought good to consent to and accordingly protested against him as we were directed by the 7<sup>th</sup> Article of the Generall Instructions and the first Clause of private Instructions.

\* \* \* \* \* \* \*

It being proposed by the Gov<sup>r</sup> and those in Comission with him mutually to Signe an Instrument thereby to acknowledge every thing had bin accomodated according to the Articles of Surrender late Treaty and orders of the States Generall excepting these particulars mentioned in the Protest beleeving that which concerned the Jews to be a matter of importance we desired time to consider of it while we had accomplished our businesse but since his Ma<sup>tte</sup> is pleased to declare whatever we should agree vnto he would ratify and allow we thought it not reasonable to Signe any stipulations the Jews being by the Capitulations of Surrender in the same Conditions as his Ma<sup>ts</sup> Naturall borne Subjects.

Our Shipps being in a Sailing Posture and finding longer Stay would not contribute to the advantage of this Service we tooke leave of the Governor August the 12<sup>th</sup> 1675

\* \* \* \* \* \* \*



#### A MODERN MACCABEAN.

By REV. HENRY COHEN, Galveston, Texas.

It is the custom of certain Confederate veterans in Texas, especially those originally hailing from Mississippi, to speak of a brave man as "a regular Fronthall," and to use "physical courage" and "Fronthall" synonymously. When this martial phraseology had been frequently repeated in the hearing of the present writer—the name variously pronounced Fronthall, Fahrenthold and Frankenthal-he became interested in the valiant soldier and attempted to find out something concerning him. By questioning those who had spoken of the man, he elicited that Fronthall was an Israelite and as brave an individual as ever lived—a veritable descendant of Judas Maccabeus. From Messieurs D. W. Ducie and Charles Lester, two gentlemen of Galveston, ex-Mississippians who served in Fronthall's company (16th Infantry, Company A), a few facts concerning their comrade were gleaned, which, apart from the letter written by Col. A. T. Watts to the Galveston News, given below, is all that is known of him in these parts.\*

Fronthall lived at one time in Port Gibson and at another in Summit, Pike County, Miss., where he enlisted as a private in A. P. Hill's Corps, Mahone's Division, Harris's Brigade. Subsequently he acted as drummer, but of his own free will shouldered a musket and fought side by side with the men of the Southern cause. He is gratefully remembered by the whole regiment, inasmuch as he was unremitting in his attention to the wounded. He was remarkably fearless, and it is

<sup>\*</sup>On page 215 of Mr. Simon Wolf's The Jew as a Patriot, Soldier, and Citizen, among the names of the Mississippi contingent in the civil war is "Max Frankenthal, Company A, 16th Infantry."

said by his comrades that he had no superior in bravery. The engagements in which he took part were numerous, and while he was always heroic, he greatly distinguished himself at the battle known as the "Bloody Acute Angle," at Spottsylvania Court House, Va. (May 12, 1864), the particulars of which are herewith detailed. Fronthall came from the continent of Europe and was unmarried. After the war he resumed mercantile pursuits in his adopted State.

The following account of the battle in which Fronthall fought so worthily appeared in the Galveston News of July 15, 1893, and is an excellent tribute to the heroism of the man that stood at the apex of "the bloody angle." That the unparalleled severity of the situation should be properly understood, the communication is given almost in full.\*

[Extract from the Galveston News, July 15, 1893.]

THE BLOODY ACUTE ANGLE.

AN INTERESTING CHAPTER OF THE CIVIL WAR.

THE GRAND, TERRIFIC, SUSTAINED FIGHTING IN THE
"ANGLE OF LIVID HELL AND DARKSOME
DEATH."

Judge A. T. Watts having mentioned a remarkable incident of the war which practically has never been fully set forth in print, the *News* requested a detailed statement of it. It will be found an interesting chapter of the civil war, so prolific in startling events.

Gen. Grant with an army of about 130,000 confronted Gen. Lee with the veteran army of Northern Virginia of about 50,000, in the vicinity of Spottsylvania Court House. By a left and retrograde movement from the Wilderness, Grant had shifted his position from that of the Wilderness

<sup>\*</sup>Judge A. T. Watts, now a prominent attorney at Dallas, Texas, was a private in the same company as Fronthall. In a personal letter, dated Dec. 12, 1894, to the writer of this article, Col. Watts corroborated all the facts in the newspaper contribution.

to the vicinity of Spottsylvania, where the contest which was suspended May 7 was renewed. The two armies confronting each other, lay behind hastily constructed works, Lee's left resting upon the Po and his right upon the Ny, at a point southeast of the town. At various points along the extended line fragmentary battles were fought. Hancock crossed the Po with a heavy column, with the purpose of flanking Lee's position on the left. Here, however, he was met by Heath's division and driven back across the stream with considerable loss. Again a heavy column was hurled against Gregg's division, which succeeded in entering a portion of the line, but by the heroic efforts of Gregg's brave boys the Federals were driven from the works and repulsed with great slaughter. Another assault upon a portion of the line near the center was repulsed with heavy loss to the assailants. These fragmentary assaults were truly characteristic of Gen. Grant's "hammering process," and it was at this time he sent the famous message, "We will fight it out on this line if it takes all summer."

The morning of the 12th of May, 1864, a day indelibly impressed upon the memory of the survivors of Wilcox's and Harris's brigades, was cloudy, dark and misting rain, and the same condition existed through the day. Wilcox's Alabama and Harris's Mississippi brigades were bivouacked on the north bank of the Po. About daylight these brigades were ordered to fall in and were soon on a quick march toward the center of the army, and after a rapid march of about three miles Harris's brigade commenced meeting wounded and straggling men. Everything semed to be in confusion, and evidences of disaster were seen in every direction. A short distance to the front could be heard the familiar crackling roar of a never-ceasing musketry fire. Harris's brigade on the double-quick soon came to Gen. Lee, sitting on his horse near a field battery, and near him was Lieut.-Gen. Ewell, both exhibiting considerable anxiety. . . .

This was 8 o'clock in the morning and the brigade was in

the bloody angle. What was the bloody angle? Only those who were there will ever appreciate its full significance.

As Gen. Lee's divisions came hastily upon the field on the march from the Wilderness they formed one upon the other without reference to the topography of the country or regularity of the line, and as the divisions came into line they at once commenced the construction of temporary rifle pits. Near the center the line formed a sharp angle or salient, with the apex or point projected toward the Federal center; each wing of the angle was refused or thrown back in such manner that, say 600 yards from the point, the two wings or lines were not more than 300 or 400 yards apart. So acute was this angle that the men to the left of the point for a distance of about 600 yards faced to the northwest, while those to the right of the point for the same distance faced southeast; in short, the two lines stood nearly back to back. This angle was in part occupied by a division containing about 4000 men and some eighteen pieces of artillery. The space between the angle was an oak grove. Immediately in front of the line was an open field about 100 yards wide, beyond which was a dense pine thicket. Two corps of the Federal army, under cover of the night, were massed in this pine thicket. These were under Gen. Hancock, as bold, enterprising and determined a fighter as the war produced. At daylight, taking advantage of the fog and mist, Hancock hurled this heavy column with irresistible force against the angle. The line was taken and Johnson's division with its brave commander captured.

This resulted in rending in twain the army, leaving its wings, as it were, in the air. For the purpose of placing an inseparable barrier between the two, this column, reinforced by fresh divisions, pushed forward toward the rear. Then it was that our gallant and glorious Gordon hurled his brave division upon the mass, and with the aid of Heath's batteries drove it back upon the lines constituting the angle, where it was reinforced and took position behind the reverse side of

the line of works. Now mark the position: the Federals occupying the works from the apex of the angle to the northwest for the distance of about 600 yards, nearly faced those from the point of the southeast for the same distance. With the advantage of that raking and flanking concentrated fire, it is marvelous that a considerable number of the two brigades survived that contest. Gordon's command had suffered heavy loss in driving the Federal column back upon the angle, and with thinned ranks he could but hold the position near the base of the angle behind some fallen timber.

This was the condition at about 8 o'clock in the morning, when Wilcox's Alabama brigade went into the right and Harris's Mississippi brigade to the left of the point of the salient. Each brigade succeeded in retaking the works the length of the brigade, which left about 350 yards of the works on each side of the point still in the possession of the Federals. Here for more than twenty consecutive hours a fierce battle raged in the angle of livid hell and darksome death. The main contest was a raking fire along the works, supplemented by a heavy fire from the front by the Federal column in line about the pine thicket. At the point of contact some short traverses had been thrown up, which afforded a partial shelter to the men from the raking fire. Here the opposing forces were within twenty feet of each other. In the front fire frequently the bullets fired at the Alabamians would pass across the angle and strike the Mississippians in the back, and vice versa. From this it will be seen that the two brigades for twenty consecutive hours withstood a concentrated fire on flank and rear.

The Federals not only occupied the reverse of the works, but were massed in line after line back to the pine thicket, and all seemed to be diligent and active in keeping up a continuous fire. Grant had massed at and in the immediate front of the angle during the day three army corps; these were veteran soldiers directed by General Hancock, an able and distinguished commander; with these there was no yielding,

they were there to the death. Both Northern and Southern writers concede this to be the most terrible and terrific musketry fire of the war. Some idea can be formed of the fury of the combat when it is remembered that trees with trunks from eight to ten inches in diameter were literally mown down by the leaden hail. . . . . .

At the point of immediate contact no officer commanded; there each private was commander-in-chief and all worked in harmonious concert. During the battle each private at that point must have fired several hundred shots.

The ground was literally covered by rifles abandoned by Johnson's division and the Federal dead, so that when a rifle would get hot or become choked by reason of the rain, it was discarded and another brought into requisition; in this manner each private used many different rifles during the engagement. Considering the number of men engaged, the Confederate loss was simply appalling, and the Federal loss must have been very heavy. Those who saw the field after it had been abandoned by both armies reported that the entire space in front of and about the angle was literally covered with the Federal dead.

The writer was at Winchester, Cross Keys, Port Republic, Gaines Mill, Malvern Hill, Second Manassas, Fredericksburg, Chancellorsville, Gettysburg, Wilderness, Cold Harbor and Petersburg, but for grand, terrible, terrific and long sustained fighting, none of these approached the bloody angle. . . . . .

Here American was pitted against American. Their blood was up, and for twenty of the longest hours that ever came they were locked in the embrace of destruction and death.

For the accuracy of the statements contained in this rough sketch the writer refers to the survivors of Harris's Mississippi and Wilcox's Alabama brigades, which were engaged in that battle, and directly to Dr. E. L. Thompson, of Dallas, and Judge George Clark, of Waco.

In conclusion, I cannot forego the mention of one individual. Fronthall, a little Jew, though insignificant in

appearance, had the heart of a lion. For several hours he stood at the immediate point of contact, amid the most terrific hail of lead, and coolly and deliberately loaded and fired without cringing. After observing his unflinching bravery and constancy, the thought occurred to the writer—I now understand how it was that a handful of Jews could drive before them the hundred kings; they were all Fronthalls!

(Signed) A. T. WATTS.



# NOTICE OF JACOB MORDECAI, FOUNDER, AND PROPRIETOR FROM 1809 TO 1818, OF THE WARRENTON (N. C.) FEMALE SEMINARY.

BY GRATZ MORDECAI, Philadelphia.

There is generally some personal interest in what may be termed the pioneers in any kind of work, and it has seemed that the successful efforts of my grandfather, Jacob Mordecai, during the early part of this century, in establishing a young ladies' non-sectarian school in a town in North Carolina, will be considered of some value and is entitled to notice in our records. The seminary became highly considered in many parts of the South, and daughters of well-known families of many Southern States were sent out to attest the value of its work and the strength of its influence.

Ample material is no doubt available for the history of education in the United States, and the Bureau at Washington has collected and published, and is continuing to collect, valuable records of the growth of education and of schools in every State of our Union. It may be hoped that the students of these records can fix in the future the high standing which has been attained by not a few well-known Jewish scholars and teachers, as well as the honors which have been won by many apt Jewish pupils. But neither sober history nor departmental records lend themselves readily to that sort of semi-historical, semi-biographical gossip which is one of the objects, as it certainly is one of the charms, of an Historical Society.

It will occur to most of you that, although born in this country, the life is of one resembling a Jewish Hacham, and you will probably wonder if it would not have been more natur-

ally passed under the settled industrial conditions of eastern Europe, far removed from the struggles needed to obtain a living in this young country.

As will be seen, his chief assistance in the solid studies of English language, mathematics and the like, was obtained from members of his own family, but in the accomplishments of music, dancing and drawing, it largely came from non-Jewish refugees from the West Indies. No one should be able to recognize better than we Jews can the benefit which this country derived in its earlier days from its associations with the islands which cluster around the landing place of Columbus, and we can therefore readily acknowledge the labors of Messrs. Achille Plunkett, La Taste and Miller, who were assistants in the school.

A patient search through old family records and letters of my grandfather and his family has enabled me to present these notes, supplemented by quotations, as shown, from family letters.

His father, Moses Mordecai, was born at Bonn, in Germany, in the year 1707. He was a broker, and, we are glad to add, was known as a man of strict integrity. He married, in England, Elizabeth Whitlock, who previously became a convert to the Jewish faith, which she ever afterwards adhered to in the strictest manner. They removed to America, to the city of Philadelphia, where three sons were born to them. Jacob was the eldest and was born April 11, 1762, and by the time he was old enough to take an interest in public matters the oppressive acts of George III's government were filling all minds with apprehension. In 1774, being then twelve years old, he was sent to a large school kept by Captain Joseph Stiles, who had been an officer in the British navy, and who, we learn, "preserved in his school a very rigid discipline, such as in these days would be considered extremely severe, yet he seldom had occasion to use the rod or ferrule, though both made a conspicuous figure at his side." Very early in the Revolution he was appointed

commissary of military stores. After the early troubles in Boston and Salem, and the addresses to the King, the people throughout the towns and country formed military associations, and Jacob Mordecai was soon a member of one of them. He states in one of his letters that "their uniform generally was a hunting shirt dyed as fancy pointed, and the youths of the schools and colleges in Philadelphia formed themselves in companies distinguished by different colors, armed with guns and trained to military exercises. In the month of September, 1774, these companies were all collected, and in the rear of the Rifle or Frock men marched to Frankford, about five miles from Philadelphia, for the purpose of escorting the delegates to town. They were on horseback, two and two, and with their military escort formed a long procession. The road was lined with people and resounded with huzzas, drums, etc., and exhibited a lively scene. In the humble office of sergeant I had thus the honor of escorting into Philadelphia the First American Congress."

From this school Jacob was removed by his father to the office of his friend, David Franks, Esq., who early in the war was appointed commissary for British prisoners, and was probably a kind of fairy godfather to all the bright Jewish boys of his time and city. He mentions that it was at Mr. Franks' house that he met Major André, then a paroled prisoner, who was passing his idle hours and exercising his talents in the most agreeable way by taking a miniature likeness of the beautiful Miss Franks, "to whom he presented it, accompanied by a few beautiful lines of poetry."

Moses Mordecai died in 1781, and in the following year his widow married Jacob I. Cohen, of Richmond, and probably from this cause the next distinct parting of the mists of our record finds Jacob Mordecai living in Warrenton, North Carolina. He had married, when only twenty-three years old, Judith Myers, of New York, a lovely and most lovable woman of his own faith, and with her had sought a home, first in Philadelphia, then in New York City, then in Gooch-

land County, Virginia, then in Richmond, then in Petersburg, and finally in Warrenton, a small town in North Carolina, which was destined to be the home of the family for some twenty-five years, and where his calling was that of a "country merchant," which included at that time a more or less extensive trade in tobacco, cotton and the cereals, as well as the greater variety of the country store of the present day.

Judith Mordecai, always delicate and with a fast increasing family, died on the birth of the seventh child, and it was perhaps natural that Rebecca Myers, the younger half-sister of his first wife, should be his choice in giving a mother to his children. Probably it was after the second marriage that he decided on a new vocation. Commercial life did not greatly interest him. It is not mentioned where he obtained his excellent knowledge of the Hebrew language and literature, but he was always studious and devoted to literary and especially to Biblical research, of which he left great masses of manuscript. He must have felt that in spite of his early imperfect education the work in life for him must be intellectual, and the most available field that of imparting his hard-earned knowledge. Reverses in fortune made it necessary to give up his business, and, not deterred by the disadvantages he labored under on account of his race (his own being the only Jewish family in the place, and indeed within a large circuit), he established in Warrenton a boarding school for girls, which in a few years grew in fame and consequence, numbering over eighty boarders each year. To quote from the memoir of Rachel, the oldest daughter:

"A proposal was made to my father by several gentlemen of influence and standing to establish a boarding school for young ladies, in instructing whom he might be assisted by his family. After some deliberation he decided on making the attempt, and with timid, anxious joy I found my ardent wish to assist my parents on the point of being gratified. In this I was assisted by my brother Solomon, then a

student at George's Academy, in Warrenton, and who, though four years younger than myself, was very capable of improving me. Amiable in youth and in manhood, he took delight in bestowing the time allotted for recreation to impart to his sisters the lessons he had been receiving, and I, with the strongest motives to sustain me to exertion, found nothing too difficult to be attempted for the acquisition of knowledge.

"The first of January, 1809, found us ready to commence our new avocation. My father had rented the house where we formerly resided; the store was fitted up as a school-room, and Mr. Miller, who had offered in a very friendly manner to adventure with us and fill the musical department, assisted us greatly by his experience in forming various little rules and regulations for governing the conduct and manners of the young ladies.

"June was the period appointed for the examination of our young charges, and we looked forward to it with the greatest anxiety. Though conscious of having to the utmost fulfilled our duty, we were still doubtful of success. It was now to be proved, and when it is considered that the maintenance of a large family depended on the decision of the public this anxiety is no longer to be wondered at. The time came and was marked by a degree of success far exceeding our most sanguine expectations. We received the thanks of parents and encomiums were poured in from every side. I actually wept for joy and prepared for the renewal of our labors with renovated zeal and alacrity.

"Our habitation was now too small, and my father purchased a lot with an unfinished building on it, and prepared to make such alterations and additions as were required. About April 1st, 1810, we removed with gladness to our new abode. The celebrity of our Seminary now began to increase, and the summer session commenced with so large a number of pupils that my father found it necessary to advertise (as he had invariably occasion to do in some part of every session

during the eight following years) that the number was complete and no more could be received. I have always thought that to this practice and the principle which gave rise to it we were in a great measure indebted for our constant success. The proof that we would not, from motives of interest, hazard the ability to pay proper attention to every pupil intrusted to our care impressed parents with confidence, while it enabled us at the same time to act with a degree of independence which we could not otherwise dare exercise. Our labors were at this time incessant, our plans not being sufficiently sanctioned by experience to be formed with that regular system which in succeeding years rendered our daily avocations less oppressive."

Even the principal, distrustful of his own attainments, frequently spent the evening in preparing himself for the classes of the following day. All went well, however, until in the third year of the school, while the workmen were still busy upon the unfinished house, there befell a catastrophe.

To insure the absence of lights in the bed-rooms after a certain hour the candlesticks were removed, but one of the girls, wishing to complete some sewing, adjusted a candle on the top of the wainscot. At least such is the family tradition; to our modern ears it sounds almost too good, and we may rather think that she was trying to finish a prosy novel by Richardson or a new but easy flowing poem by Walter Scott. However that may be, it is evident she fell asleep. The candle burned down and the house caught fire. Alarm was given in time to prevent the loss of life, but the building, with much that it contained, was destroyed. eighty girls were scattered among the neighbors for the night, and the principal, going anxiously from house to house, had the immense relief of finding all his charge safe and sound. Another house was rented immediately, and the routine of the school continued as if nothing had happened.

The system of teaching was absolutely thorough as far as it went, and its moral and practical training was in accordance with Edgeworthian ideas, then much in vogue. There was no dogma taught, each pupil being sent to the church preferred by her parents, but a strict code of morality was enforced, and the standard was the highest. There were but few text-books to be had in those early days of our commonwealth, and my grandfather and his young son arranged valuable compendiums of geography and mythology from such ponderous works as "Brooks' Gazetteer," "Guthrie's Grammar of Geography," and "Tooke's Pantheon."

The use of the maps was insisted upon, and the study of these with what were called "Principal Place Books" turned out many accurate geographical scholars. These last named books were not only geographical, but they described everything of interest connected with their subjects, whether historical or legendary. In history and the English language such works as "Goldsmith's England and Greece," "Murray's Grammar," "Blair's Rhetoric," and the like were conned by rote. Embroidery and plain sewing were carefully taught, and no doubt many a tear was shed over difficult fancy stitches in those ancient "samplers" and the neat "hemming" and "felling" of underclothing.

In the ten years devoted to this work many hundred young girls were educated. Mrs. Mordecai took charge of the housekeeping department, and some of us can remember, fifty years later, visits paid her by some of "the girls," at the time the wives or widows of distinguished men.

One scene is vividly recalled, when Mrs. John Y. Mason, formerly Miss Fort, who was shortly to sail for France with her husband, then minister to that country, called to say farewell to my grandmother. Mrs. Mason was moved to tears, and kneeling down, begged for a blessing. Mrs. Mordecai was then a silvery-haired widow, worn and aged, and in a solemn and touching way she laid her trembling hands upon the lady's head and pronounced the priestly benediction of our race.

As his children grew up, having achieved a moderate for-

tune, and beginning to tire of his arduous life, Jacob Mordecai closed his school and removed with his still large family to a farm in the neighborhood of Richmond, but alas! all the earnings of those years of toil had been entrusted to a single venture. It failed, and the last years of this sturdy life were spent as the first had been, under the pressure of narrow means.

His indomitable spirit did not flag, however, and the years passed in farming were not shadowed in his children's recollections by any repining on the part of their parents. The life was frugal, but full of comfort, industry and intellectual cultivation. Some time in the 30's he left "Spring Farm" and went to live in the city of Richmond. And now a painful and lingering disease developed itself, which for several years made his life a martyrdom, and in August of 1838 his brave and active spirit passed away.

In regard to his faith he was respected as an authority on Biblical matters, and more than one young person came to him to have his faith strengthened or her doubts removed. He occupied for several years the position of Parnass of the Portuguese Synagogue on Mayo street in Richmond, and at his house the dietary and ritual of the Jewish law were always carefully observed. There is a painting of him by Jarvis which is life-like, and portrays a finely shaped silvery head, its broad brow, its firm but gentle mouth, clean-shaven, its bright blue eyes full of intellectual fire under slightly drooping lids and bushy thoughtful eyebrows.

We have endeavored to show the difficulties which beset his life, how these were conquered by energy and industry, how self-training took the place of that of the colleges, and ceaseless toil kept poverty at bay, how the handicap of Judaism was surmounted by personal excellence, and how family love played its hallowed part.

This last consideration tempts us to add a short sketch of the lives of his children, thirteen of whom grew up.

His oldest son, Moses, born in 1785, became one of the

leaders of the bar of North Carolina and died before reaching his fortieth year.

Then came Samuel, a merchant of Richmond, who lived unmarried to a ripe old age. He was known as one of the intellectual men of his city, had a vein of quiet humor, and wrote a clever history of "Richmond in Bye-gone Days."

Solomon, the young teacher, afterwards studied medicine in Philadelphia and became a popular physician of Mobile, Ala.

George Washington, born in 1801, settled in Raleigh and became a lawyer, railroad president, and president of the Bank of North Carolina.

Alfred, born in 1804, readily obtained an appointment to the Military Academy, which in 1819 was just becoming prominent. He had studied at home and his only instructors practically had been the members of his own family. soon, however, took and kept the head of his class, and caught at his beloved West Point the true spirit of the best military traditions. After graduating he became an instructor and later was known in this country and abroad as a scientific investigator and author and thorough executive officer of the Staff Corps of the Army from 1823 to 1861, when, forced by his strong family affection, he resigned both his position in the army and his future career. It is not too much to say that he was a favorite in every circle that he entered, and he was fortunate enough to marry in Philadelphia in 1836 Sara Ann Hays, a loyal adherent of his father's faith. She was the granddaughter of Michael Gratz and the great-granddaughter of Joseph Simon, of Lancaster, of both of whom this Society has heard before. Major Mordecai died in Philadelphia in 1887.

Augustus, the youngest son of Jacob Mordecai, was gifted with a racy but gentle humor. He married and settled as a farmer near Richmond, Va.

Rachel, the eldest daughter, who was such an important factor in the school and had great influence in the family,

married Aaron Lazarus, and appears in a modest way in English literature as the American correspondent of Maria Edgeworth, from whom she tried to eradicate some narrow prejudices against the Jewish race. Caroline married Mr. Achille Plunkett, and Eliza, a most highly endowed woman, married Mr. Samuel Hayes Myers, of a prominent Richmond family. Both Julia and Laura (the beauty of the family) died unmarried comparatively early in life. Ellen, who had a wide acquaintance and was, like all the others, full of sympathy for every kind of knowledge and every condition of life, died in 1884 at the great age of 94.

There remains as the living member of this large family Emma, the youngest daughter, who, strong in the sympathy and ties with her father's race and religion, adds day by day to a far advanced but, happily, still active life, and forms a part of three long generations which have extended over a period of one hundred and ninety years.

# SOME NEWSPAPER ADVERTISEMENTS OF THE EIGHTEENTH CENTURY.

BY HERBERT FRIEDENWALD, Ph. D., Philadelphia.

It probably never occurred to the newspaper advertiser of the last century that while making known his wares he was at the same time doing the cause of history a service. And yet many an obscure point respecting residence and identity has been made clear by a careful search through these records, which are far from dull reading. And while it is true that advertising was up to recent years in what we may call its infant stages, still what it lost in experience it more than made up by the personal nature of the matter it contained. The tradesman appealing to his customers of days gone by knew them all in person. If a broker, therefore, announced that those who favored him with their business might rely upon his assiduity and diligence and "his utmost interest in their behalf, and part of the money advanced if desired," his was no mere idle declaration of words.

Further, an illustration of the value of the search of old newspapers for the materials of history is found in the case of Colonel Isaac Franks, of whom Prof. Jastrow has written so interestingly in the last number of these *Publications*. For a period of about five years (1782–1789) he was lost sight of, but from the notices given below it will now be seen that he was during that time living in Philadelphia and engaged in the business of broker. They also tell us much respecting the communal and commercial life of the towns, of the places of residence and business of individuals, and of the character of their mercantile transactions.

As we would expect, knowing what we do of their lives,

the most frequent advertisers in the Philadelphia newspapers, in the last quarter of the century, are the famous Haym Solomons and Jonas Phillips. They are closely pressed, however, by Isaac Franks, and the rivalry among them was evidently a keen one. Haym Solomons began his activity as a broker towards the end of the year 1780. As we shall see, his announcements at first are exceedingly brief. But they expand as the years pass, until at the time of his death they fill a whole column of the paper and appear in French as well as English. More can be gathered respecting the magnitude and variety of his mercantile and financial transactions from their perusal than from any other source. Another point of minor interest comes out, and that is his carelessness about the manner of spelling his name; for we find it at various times Solomon, Solomons, Salomon and Salomons. Unlike most of his contemporaries, he appears to have remained faithful to his one stand in Front street, from which place he never removed.

Not so, however, with Jonas Phillips, who kept what we would call a sort of "general store," and who changed his place of business with almost as great frequency as his stock in trade. The range of his wares extended from "callimancoes" and pins and needles to Madeira wine; nor were "umbrelloes" and "goloshoes" omitted from his list. And he even found time to pursue the occupation of "Vendue master" or auctioneer, as well. His advertisements appear at frequent intervals during the period from 1775–1777.

Isaac Franks carried on much the same sort of business as Solomons, although not on so extensive a scale. He moved about a good deal, too, for we find him located first in Front street, then in Third street, and later in Race street.

Others of lesser note whose names appear are Levy Marks, Moses Cohen, and Samuel Hays (the father of the famous physician Dr. Isaac Hays), who served his apprenticeship with Haym Solomons before engaging in business on his own account.

David Franks is discovered in the position of president of the Indiana Land Company; and Benjamin Nones, a broker,\* Joseph Hart, who warns the public against taking up a fraudulent note for £750,† and Levy Andrew Levy,‡ who has various tracts of land that he is anxious to dispose of, also appear upon the scene.

Two persons, Solomon Aaron and Lazarus Levi, now appear for the first time in the pages of these *Publications*. The former announces his approaching departure for Europe in July, 1785, asking at the same time that his debtors settle their accounts with him. The latter makes his entrance into the goodly company of this Society in manner most unpromising. For over his name he warns the public that they are "forbid to trust the subscriber's wife, as he will pay no debts of her contracting." § From New York we have the furrier, Lyon Jonas, with his quaint cut adorning his advertisement.

# APPENDIX I.

[Pennsylvania Journal, February 28, 1781.]

A Few Bills of Exchange on France, St. Eustatia & Amsterdam To be Sold by Haym Solomon, Broker.

The said Solomon will attend every day at the COFFEE HOUSE between the hours of twelve and two, where he may be met with, and any kind of business in the brokering way, will be undertaken by him; and those Gentlemen who chuse to favour him with their business may depend on the greatest care and punctuality.

§Pennsylvania Evening Post, July 12, 1777.

<sup>\*</sup> Pennsylvania Packet, January 5, 1785.

<sup>†</sup> Pennsylvania Gazette, August 2, 1780.

<sup>‡</sup> Ibid., November 29, 1780.

See article by Dr. J. H. Hollander in *Publications* No. 3, pp. 9-10. An advertisement similar to the one there given appeared in the *Pennsylvania Packet* at almost the same time. It has an especial interest in that it was the last one Solomon inserted prior to his death.

[Freeman's Journal, etc., Philadelphia, November 6, 1782.]

HAYM SOLOMONS,

Broker to the Office of Finance, to the Consul General of France, and to the Treasurer of the French Army,

At his office in Front street, between Market & Arch streets. Buys and sells on commission Bank Stock, Bills of Exchange on France, Spain, Holland, and other parts of Europe, the West Indies, and inland bills, at the usual commissions.

He buys & sells Loan Office Certificates, Continental and State Money, of this or any other state, paymaster and quartermaster general's notes; these, and every other kind of paper transactions (bills of exchange excepted) he will charge his employers no more than One Half Per Cent. for his commission.

He procures Money on Loan for a short time and gets notes and bills discounted.

Gentlemen and others residing in this state, or any of the United States, by sending their orders to the office, may depend on having their business transacted with as much fidelity and expedition as if they were themselves present.

He receives tobacco, sugars, tea, and every other sort of goods, to sell on commission, for which purpose he has provided proper stores.

He flatters himself, his assiduity, punctuality, and extensive connections in his business, as a broker, is well established in various parts of Europe, and in the United States in particular.

All persons who shall please to favour him with their business, may depend upon his utmost exertion for their interest, and part of the Money Advanced if desired.

[Pennsylvania Journal, October 29, 1783.]

#### TO BE SOLD.

Five Houses in Second street, between Arch street and the New-Market, among which is the valuable one in which the Naval Office is kept. . . . .

For further particulars enquire of Haym Solomon, Broker.

[Pennsylvania Packet, January 11, 1785.]

Thursday last, expired, after a lingering illness, Mr. Haym Salomons, an eminent broker of this city; he was a native of Poland, and of the Hebrew nation. He was remarkable for his skill and integrity in his profession, and for his generous and humane deportment. His remains were on Friday last deposited in the burial ground of the synagogue, in this city.

# APPENDIX II.

[Pennsylvania Packet, September 11, 1775.]

On TUESDAY MORNING
The 19th instant, at Nine O'clock.

Will peremptorily be struck of to the highest bidder, at Public Sale at

> Jonas Phillips's Vendue Store The upper end of Third street

A large and general assortment of Merchandize, suitable to the season, being the property of a Merchant who declines the Dry Goods business.

N. B. The said Phillips has for sale, at his store near the Coffee-house, in Market street, sundry Dry Goods, Brandy, Geneva, Mamsy, Frontiniac & Claret Wines, sweet oil, new Raisins, best French and Carolina Indigo, mace, cinnamon, nutmegs and pepper, best northern Beaver and Raccoon Skins, with sundry other goods all exceeding cheap, for ready money only.

Goods received at his house for sale at Vendue.

[Pennsylvania Packet, September 17, 1776.]

Just come to hand, & to be SOLD at JONAS PHILLIPS'S STORE, In Market-street, near the Coffee-house.

A few pieces of broadcloths & coating, check, Britannias, chintzes and callacoes, black Barcelona handkerchiefs, linens, ginghams and linen handkerchiefs, writing paper, nutmegs, cinnamon, cloves and pepper, French & Carolina indigo, silk

and oil cloth umbrelloes, Madeira and Tent wines, Florence oil, with sundry other goods, &c., &c.

[Ibid., December 18, 1776.]

#### JUST OPENING at

Jonas Phillips's store in Market-street, near Mr. Dunlap's Printing office.

A large assortment of DRY GOODS, consisting of checks, striped hollands, cotton stripes, fine and coarse white linen sheeting, linen handkerchiefs, oznabrigs & ticklenburgs, pins & needles, Scotch snuff, oil cloth umbrelloes, fine writing paper, indigo, Geneva, and sundry other goods exceeding cheap for ready money.

# [Pennsylvania Evening Post, October 24, 1776.]

Jonas Phillips, in Market street, between Front and Second streets, gives this public notice, that he is under the necessity of Settling all his accounts with the persons he has dealth (sic) with in this or any other province. As he will shortly enter into a copartnership, he therefore begs it as a particular favour that all those who have any demands against him, will immediately furnish their accounts, that they may be settled and paid; and those indebted to him will pay their respective balances as soon as possible in order that the settlement of his affairs may have no delay. . . .

He continues the vendue business as usual, and any gentlemen who shall be pleased to send their goods, either for public or private sale, may depend on his utmost endeavors for their interest. . . . .

# APPENDIX III.

[Pennsylvania Journal, January 15, 1783.]

Broker's Office, by

Isaac Franks, in Front street, two doors below the Coffee-house.

Where all foreign & domestic negociations incident to the various branches of this office, are transacted upon truly

moderate and liberal terms. The utmost secresy, candour and fidelity to the interest of his employers, will be found (as usual) the leading principles on which he means to establish the confidence & approbation of a discerning public. He buys and sells bills of exchange upon France, Spain, Holland, or any part of Europe, the continent of America or the West Indies. Officer's notes, loan-office certificates, negociated on the best terms. Money procured upon such interest & security as shall be agreeable to the parties, either for a month or year. Promissory notes and bonds discounted or sold. Merchandise of every sort disposed of upon the most advantageous terms, for which he has proper stores provided. Houses and lands bought, sold & mortgaged. tinental and state money of this or any other state bought or sold. Whenever sudden emergencies require money to be raised upon any paper security, merchandise or produce, every effort will be used to accomplish it on the best terms, by applying as above, where the utmost attention will be paid to the interest of all those who may favour him with their business, and nothing left undone that can possibly be effected by fidelity, care and dispatch.

Dec. 27.

[Pennsylvania Packet, January 1, 1785.]

# ISAAC FRANKS, BROKER,

At his Office on the west side of Third street, bet. Market and Arch streets, almost opposite to Church alley.

Buys and sells on commission, all kinds of Merchandise, Bills of Exchange, Continental Loan Office Certificates.... disposes of and purchases Real Estates, and everyother kind of transferable property: he procures freight or Charter for Vessels, at the shortest notice; and transacts every other kind of Business as a Broker, with fidelity, care & dispatch.

Has for Sale, a Variety of
Well Assorted Merchandize,
Wholesale or Retail, upon easy terms for Cash or
Public Securities.

[1bid., January 3, 1785.]

#### ISAAC FRANKS

Begs leave to acquaint the Public in general, and his friends in particular, that he carries on the business of Brokerage in all its various branches, at his house in Race street opposite the King of Prussia tavern, between Third and Fourth streets. . . . .

[Pennsylvania Journal, January 4, 1786.]

#### FOR SALE.

A young likely Negro-Wench. About eight years old; has twenty years to serve. Enquire of

ISAAC FRANKS.

# APPENDIX IV.

[Pennsylvania Packet, March 11, 1776.]

### To BE LET.

That large convenient INN, where the subscriber lives, lately occupied by Robert Mullar, pleasantly situated on the banks of the river Schuylkill, about four miles from the city of Philadelphia, together with the lot of ground thereto belonging, containing about two acres, on which are erected a good barn, stables, sheds, &c. Also another house and lot near the above-mentioned premises containing about six acres of well improved land. Also to be let on reasonable terms, upon a long lease or leases, about 1200 acres of good, rich, unimproved land, well watered, and divided into four tracts, situate on Wiconesco Creek, in Hoffman's Valley, in Lancaster County. Any person inclinable to rent any part of the said premises may know the terms, by applying to

LEVY MARKS.

As the said Levy Marks intends to leave the province by the first day of April next, all persons who have any demands against him, are desired to bring in their accounts, and receive their respective balances; and those who are indebted to him, are hereby desired to make immediate payment to William Lewis, of the city of Philadelphia, Attorney at Law, in whose hands the subscriber's books are lodged, with direction to bring actions against those who do not comply herewith.

LEVY MARKS.

#### APPENDIX V.

[Pennsylvania Packet, January 5, 1785.]

## Moses Cohen, Broker,

Has removed from the corner of Chestnut & Second streets, nearly opposite the Friend's meeting in Second street, where he has for sale, upon the lowest terms for cash or public securities,

WHOLESALE AND RETAIL

Green, bl	ue, pinl	k & 1	ead co	lored	ell v	vide p	ersians	•
 Barcelona	& flag	hand	kerchi	efs.	•	•	•	
Baizes &	duffiels	•	•	٠	٠	٠	•	
	•	•	•	•	•	•	•	
Ratteens,	calimai	ncoes	& dur	ants.	Iri	ish po	plins o	f differ-
t colours.	Fine	wild	boar.	Cor	nmor	ditto	) <b>.</b>	
	•	•		•	•	•		
Shalloons	&	. mo	reens,	shage	s.			
		•	•		•	•	•	
Denims.								
				•				
Platillas,	Brittan	nias, I	Dowla	sses.				
	•		•	•			•	
Mens & b	oys ma	ccarc	ny &	fanta	il ha	ts.		
Pins by t	he pack	c, etc.	•	•	•	•	•	

en

## APPENDIX VI.

[Pennsylvania Packet, July 2, 1785.]

The subscriber intending to depart for Europe in a few months, takes this method to request all those who have any demands against him, to bring in their accounts in order for settlement at his store, west side of Second street between Arch & Race streets: and all those indebted to him have their accounts rendered to settle the same with all convenient speed, to enable him to facilitate an adjustment of his affairs.

He returns his thanks to his friends and the public for their past favors & acquaints them he will dispose of his remaining stock in trade, at a reasonable advance for cash, consisting of a general assortment of Dry Goods, Hardware, etc.

Solomon Aaron.

June 27.

## APPENDIX VII.

[Ibid., December 7, 1785.]

# SAMUEL HAYS, BROKER.

At his Office in Front street, opposite the Custom house. Does business in Bills of Exchange on Europe and the United States. . . . By a long residence with the late Mr. Haym Salomon, he has acquired a perfect knowledge of this business.

## APPENDIX VIII.

[Pennsylvania Gazette, January 12, 1780.]

The Proprietors of Indiana are requested to be punctual in meeting, agreeable to their adjournment, at the Indian Queen Tavern, in Philadelphia, on the First Monday in February, at Four o'Clock P. M. By Order

DAVID FRANKS, President.

Jan. 5, 1780.

## APPENDIX IX.

[Rivington's Royal Gazette (N. Y.), November 3, 1779.]

Lyon Jonas, Furrier from London.

Living in Broad street, opposite the Post Office, has for sale

A general & complete assortment of muffs & tippets in the newest taste, ermine cloak linings, etc., etc. Also a parcel

of ground squirrel muffs & tippets; and the very best black martin and martin throat do. for exportation.

He likewise manufactures & sells gentlemen's caps & gloves lined with fur, very useful for travelling. He also trims ladies robes and riding dresses, & lappels gentlemen's coats & vests.

He buys and sells all sorts of furs, wholesale & retail.

N. B.—The highest price is given by him for grey & ground squirrel skins.



#### THE JEWS IN NEWPORT.

BY MAX J. KOHLER, A. M., LL.B., New York.

There is no more interesting chapter in American Jewish history than the one which deals with the career of the Newport Jews. Its romantic phases have been impressed upon many a reader who is ignorant of even the existence of other Jewish pre-Revolutionary settlements, principally by Longfellow's beautiful poem on "The Jewish Cemetery at Newport." Curtis and Tuckerman and many another Christian historian have paid their tributes to the memory of these quaint but noble patriarchal figures in Newport's past, and so, also, have several Jewish historians collected a few of the incidents that constitute this part of our past history. I am not aware of any accessible work, however, in which the principal authenticated incidents in this history have been gathered together, nor where they have been treated in the light of our present historical knowledge and spirit. seems to me desirable that our Society should use its endeavors to have these incidents made familiar to the American Jewish public, and it is with this purpose of gathering and sifting material already published, but widely scattered in different works, mostly obscure, that the present paper is presented.

Before devoting our attention to the standing and services of the Jews of Newport, a few words are necessary to describe the position of Newport itself. We must discard our present-day view of Newport as an important fashionable summer resort, and permit our thoughts to carry us back to the period when, for some thirty years preceding our Revolutionary War, Newport was one of the principal cities in the American colonies. In commercial importance it must be put in the

same category with Boston, Philadelphia, New York and Charleston, and it was not the most insignificant, even among these, for, as Edward Eggleston has well said, "he was thought a bold prophet who said then that 'New York might one day equal Newport,' for, about 1750, New York sent forth fewer ships than Newport, and not half as many as Boston."\* It is no mere coincidence that the thirty years during which Newport occupied this proud position were the very ones during which its Jewish merchants were most prosperous and successful, and that its prosperity did not outlast their departure.

It is unsafe to give any date as fixing the time of the first arrival of the Jews in Newport, for there are isolated cases of Jews settling in various places in the United States prior to the usually accepted dates of first Jewish settlements, and the circumstances connected with the history of Newport make it by no means unlikely that an occasional Jewish colonist made it his home prior to the established date, 1658. I have no satisfactory evidence of any such case, however, and shall content myself with the conservative statement that the earliest Jewish settlers known to us at present reached Newport in 1658. Peterson, in his History of Rhode Island (p. 101), basing his statement upon documents then (1853) in the possession of W. H. Gould, Esq., states that "in the spring of 1658, Mordecai Campannall, Moses Packeckoe, Levi, and others, in all fifteen families, arrived at Newport. They brought with them the three first degrees of Masonry and worked them in the house of Campannall, and continued to do so, they and their successors, to the year 1742."† Other evidence exists to the effect that the bearers of these

<sup>\*&</sup>quot;Commerce in the Colonies," The Century Magazine, vol. 6, N. S., p. 250.

<sup>†</sup>Compare Daly's Settlement of the Jews in North America, p. 14; Fishell's Chronological Notes; Pub. Am. Jewish Hist. Soc., No. 2, p. 99; and an interesting series of three articles on the Jews of Newport, in Frankel's Monatsschrift, vol. IV, 1855, pp. 181, 257, 295, particularly pp. 297, 299.

names were Jews, and this is supposed to have been the introduction of the Masonic order into the United States. In the *Magazine of American History* (vol. IV, p. 456) a paragraph appeared, taken from the Newport *Mercury*, to the same effect, that in 1658 fifteen Hebrew families arrived at Newport, R. I., and brought with them the first three degrees of Masonry.\*

In singling out this instance of arrivals in 1658 I do not overlook the fact that there have been references to a settlement antedating this by a year, made by Jews coming from Curação;† no authentic particulars as to such settlement appear to be at hand, however, and I deem it likely that 1657 was written by mistake for 1658. The writer in Frankel's Monatsschrift contends that it is unlikely that the settlers came from the Dutch colony Curação, as the Jews there enjoyed civil and religious liberty, and states his belief that the name Campanelli, which he identifies with Campannall, was borne by a Jew who had gone to Brazil with d'Aguilar, and that the expulsion of the Jews from that country induced this contingent to go to Newport. To this it may be said in answer, that the Curação Jewish settlement, though under Dutch auspices, proved unsuccessful, so that settlers may have been disposed to migrate from there for some time at least, and the conjectural appearance of the name on the rolls of the Brazilian settlers has not yet been verified. Nor did the fact that Jews enjoyed liberal protection and rights in Holland prevent them, or people of other creeds, from removing to the colonies, as witness New Amsterdam, for instance; so this argument may be dismissed. The total number of Jewish settlers in Newport prior to 1740 was, however, very small, and we have satisfactory evidence of the arrival in Newport of a Jewish contingent from one of the West India islands, probably from Curação, in 1694. It is my belief that this is the party of Jews from Curação

<sup>\*</sup> Daly's Jews in North America, p. 80, note 85.

<sup>†</sup> Peterson, p. 181, and authorities just cited.

which Peterson had in mind, and that he has somewhat confused the dates.

Attention must also be given to Judge Daly's explanation of this date, 1657, to the effect that Jews expelled from New Amsterdam between 1655 and 1657, because of Stuyvesant's intolerance, migrated to hospitable Newport and settled there, where they were joined by the Curação contingent, there being vessels at that time trading between Curação and New Amsterdam. Judge Daly does not, however, appear to have known the item relative to the fifteen families from Holland arriving in 1658; nor, in fact, is there anything to show that any Jews were ever actually expelled from New Amsterdam, for Stuyvesant was overruled by his superiors in Holland before his order of expulsion could be carried out; the New York records show conclusively that there was no period after 1654 when Jews did not live openly in New York, and none of the names of the Jewish arrivals in Newport during the 17th century can be identified as being the same as were borne by any Jews who settled in New York. Already during the 17th century there were commercial relations between the Jews of Newport and New York, and in the next century there was an extensive migration from one city to the other. It is therefore possible that there were some New York emigrées to Newport even in the 17th century, but the evidence of such fact has not been produced.

Dropping this conjecture, however, we notice a marked contrast between the treatment of the Jews in Newport on their arrival and that of New York. The contrast at this stage was favorable to Newport, and was characteristic of her principles of settlement. As Judge Daly points out, the last-named colony had just refused to join in the persecution of the Quakers, and announced that they had no law (in Rhode Island) "for preventing any one from declaring by words, etc., their minds and understanding concerning the things and ways of God," and such a pronunciamento may well have appealed to the Jewish victims of Stuyvesant's bigotry.

But we even find that Roger Williams, the noble pioneer of religious liberty, in founding his colony on these principles, distinctly included the Jews. Thus in his famous ship letter he wrote: "There goes many a ship to sea with many hundred souls in one ship, whose weal and woe is common, and is a true picture of a commonwealth, or a human combination or society. It hath fallen out sometimes, that both papists and protestants, Jews and Turks, may be embarked in one ship, upon which supposal I affirm, that all the liberty of conscience that ever I pleaded for, turns upon these two hinges, that none of the papists, protestants, Jews or Turks be forced to come to the ship's prayer or worship, or compelled from their own particular prayers or worship, if they practice any."\* Again, in arguing in favor of the re-admission of the Jews to England, he said: "By the merciful assistance of the Most High, I have desired to labor in Europe, in America, with English, with Barbarians, yea, and also I have longed after some trading with Jews themselves, for whose hard measure, I fear the nations and England have yet a score to pay. I desire not that liberty to myself, which I would not freely and impartially weigh out to all the consciences of the world besides. . . . All these consciences (yea, the very consciences of the papists, Jews, &c., as I have proved at large in my answer to Master Cotton's washings) ought freely and impartially to be permitted their several respective worships, and what of maintaining them, they freely choose."†

It is not surprising that the Jews should have trusted themselves to a colony whose founder proclaimed these principles, and have found that their trust was not misplaced. Yet this very treatment of the Jews induced the exponent of Puritanism, Cotton Mather, in his *Magnalia*,‡ in the closing years of the 17th century, to characterize Newport as "the

<sup>\*</sup>Straus's Life of Roger Williams, pp. 110, 111.

<sup>†</sup> Ibid., p. 178.

<sup>‡</sup>Book 8, p. 20.

common receptacle of the convicts of Jerusalem and the outcasts of the land." Comment is unnecessary.

On August 24, 1694, a ship arrived at Newport, then the principal port of entry, from one of the West India islands, with a number of Jewish families of wealth and respectability on board, who settled there.\* This I believe to have been the Curação contingent already referred to. About ten years before this, there had been an affirmative declaration by the General Assembly of the Colony in favor of the right of the Jews to settle in Rhode Island. In the language of the official record, it was "Voted, in answer to the petition of Simon Medus, David Brown and associates, being Jews, presented to this Assembly, bearing date June the 24th, 1684, we declare that they may expect as good protection here, as any stranger, being not of our nation, residing amongst us in his Majesty's Colony ought to have, being obedient to his Majesty's laws."† This petition was favorably acted upon on the same day that it was presented and was dated, so the petitioners doubtless were already in the colony. It seems strange, in view of the fact that there had been Jews residing in Newport for over twenty-five years, that the petition in question should have been presented. The records do not contain any suggestion of any questioning of the rights of the Jews to settle there.

In a note in Judge Daly's work‡ a list of the names of Jews known to have been in Newport in the 17th century is given, which was furnished to Judge Daly by Charles R. Russell of New York, and which was made by N. H. Gould, Esq., of Newport, a gentleman described as being the best informed there on the subject. It will be noticed that Mr. Gould is the gentleman already referred to, as having been the possessor of the documents attesting the arrival of

<sup>\*</sup>H. T. Tuckerman on "Graves at Newport," Harpers' Monthly, vol. 39, p. 372, cited in Daly's Jews in North America, p. 80, note. †Bartlett's Colonial Records of Rhode Island, vol. III, p. 160. † Jews in North America, p. 78.

the Jews in Newport in 1658. The list, which should be supplemented by several names mentioned herein, is as follows: "Samuel Isaac and Judah Moses, soap boilers; Moses and Jacob James, workers in brass; Isaac Benjamin, Abraham Benjamin, Isaac Moses and Jacob Frannc or Franci, merchants and traders. How long they remained here I have no information; Jacob and Joseph Judah; Benjamin and Moses Meyers, Napthali Meyers, Isaac and Nathan Lyon, David Solomon, Abraham Jacobs, Solomon Mendez, Solomon Cohen, Nathan Cohen, Aaron Cohen, Isaac Cohen, and among the earliest lodge of Free-Masons were the following Israelites: Isaac Isaacs, money-broker; Solomon Aaron Myers, Joseph Jacobs, Abraham Mendez, Eleazar Eleazar, Moses Isaacs, and Isaac Eleazar."

It is evident that Jews in Newport had commercial relations with New York already in the 17th century, for we read that Isaac Cohen de Lara, a Jew, had shipped certain goods from Rhode Island to New York, which were seized by a pirate vessel, according to a communication from the Governor of New York to the Legislative Council in 1699, and already in 1674, while New York was in the temporary possession of the Dutch, we find that Asser Levi was the recipient of a letter from New England, doubtless from some co-religionist in Newport, contrary to the strict orders against intercourse with English colonies then in force.\*

I find it stated that a Jewish congregation was organized in Newport already in 1658, but it is not claimed that any congregational records exist running back to the time. It is very likely that the date is correct, for here, unlike in New York, there were no prohibitions against public religious worship. The statement is found in a paper by the late Rev. A. P. Mendes, minister of the Newport congregation, on "The Jewish Cemetery at Newport," read before the New-

<sup>\*</sup>See my article, "Phases of Jewish Life in New York before 1800," Pub. Am. Jewish Hist. Soc., No. 2, pp. 84-5.

port Historical Society on June 23, 1885, and printed in vol. 6 of the Rhode Island Historical Magazine (pp. 81-105). Apparently no synagogue was erected till the next century. We find a deed on record, however, dated February 28th, 1677, for a certain lot of land, 30 feet square, sold by Nathaniel Dickens to Mordecai Campannall and Moses Packechoe for a burial-place for the Jews.\* Rev. A. P. Mendes remarks that the Jewish cemetery in Newport covers more than 30 feet square, and that this purchase was probably an addition to the original cemetery. He also points out that when repairs were made to the cemetery after Judah Touro's death, in this century, many old tombstones were found in a dilapidated condition, all of which were carefully gathered up and buried there. These circumstances will account for the fact that no tombstones are to be found in the cemetery running back to the 17th century. A very good illustration of the Newport Jewish cemetery may be found in George C. Mason's Reminiscences of Newport, opposite p. 53, a book which contains one of the most interesting and appreciative accounts of the Jews of Newport known to me. We find that Abraham Campannall, probably a son of Mordecai Campannall, was licensed as a freeman on the first Tuesday in September, 1688,† and several other names of probably Jewish personages occur from time to time in the records. During this

\*Book No. 3, p. 11, of Land Evidences Newport, described in Peterson's History of Rhode Island. Compare Frankel's Monatsschrift, vol. IV, p. 297; an article by Frankel in vol. 12 (1863), p. 326; Rev. A. A. Ross's Historical Discourses, Newport, 1838; and Peterson, supra.

†Bartlett's Records of the Colony of Rhode Island, vol. III, p. 243. It will be noticed that the name of the other grantee, Moses Packeckoe, is substantially the same as Pacheco, which we encounter in Barbadoes about 1680 (Pub. Am. Jewish Hist. Soc., No. 1, p. 106), and in New York in various connections between 1711 and 1730, Ibid. No. 2, p. 81, No. 3, p. 85, No. 4, pp. 192, 195 (Benjamin Mendez Pacheco; Daly, p. 31.) Probably the same family was known by the names Pacheco, Packeckoe, and by the name Mendez, the surname Pacheco appearing to have been dropped.

century, Newport itself did not attain special importance, nor did its Jews specially distinguish themselves. Upon the whole we may acquiesce in Peterson's statement that the earliest Jews in Newport did not possess the riches, the intelligence, nor the enterprise which so eminently distinguished those who arrived later.

A new order of things, not only for the Jewish community, but for Newport generally, was created soon after 1750, when the Lopez, Rivera, Polock, Hart and Hays families arrived at Newport. In speaking of the most prominent one of these merchant princes, Aaron Lopez, Judge Daly but voices the general opinion when he says (p. 77), "The advantages of this important seaport were quickly comprehended by this sagacious merchant, and to him in a larger degree than to any one else was due the rapid commercial development that followed, and which made Newport for a quarter of a century afterwards the formidable commercial rival of New York."

In an historical address delivered on May 20th, 1863, on the occasion of the dedication of the schoolhouse erected by the Trustees of the Long Wharf at Newport, William C. Cozzens, then Governor of Rhode Island, said: "It was generally conceded that Newport had every advantage. Wealth had centered here, and was attracting capitalists from every part of the world. Between 1750 and 1760 some hundreds of wealthy Israelites, a most distinguished class of merchants, removed here from Spain, Portugal, Jamaica and other places, and entered largely into business. One of them, Mr. Aaron Lopez, owned a large fleet of vessels (rising thirty at one time) in the foreign trade, and many more in the coasting trade. The order-boxes—or pigeonholes as we sometimes call them—with the names of his vessels on them, are still to be seen in one of the old stores on the Lopez (now Finch & Engs) Wharf."\* Again (p. 24).

<sup>\*</sup>Services at the dedication of the School House erected by the Trustees of the Long Wharf, pp. 9-10.

"The manufacture of sperm oil and candles was introduced into Newport by the Jews, from Lisbon, between 1745 and 1750, and from that time to 1760 there were put in full operation seventeen factories for these articles alone; also twenty-two distilleries, four sugar refineries, five rope-walks, and many large furniture factories, shipping immense quantities of furniture to New York, the West Indies, Surinam and many other places. In 1770 I find mention made of eighteen West India vessels arriving here in one day." As has just been indicated, the Jewish merchant princes were not merely the capitalists who furnished the wherewithal for this trade, but their enterprise created the trade itself, introduced the new arts and industries involved, and furnished the trade connections through their co-religionists in the different foreign ports with which the relations were formed.

An account of the migration of the Rivera and Lopez families to Newport was given in the genealogical sketch which I contributed to No. 2 of these Publications. Mendes' account of the tombstones in the Newport cemeteries, as well as some further investigations by members of our Society, enable me to assign dates to the incidents there referred to. The Lopez family came from Portugal and fled to avoid the dangers of the Inquisition. The Rivera family came from Spain. Both had been Marranos or secret Jews in their old homes. The different members did not arrive together, but left their European homes at different times, and in several instances resided first in New York. appears from Dr. J. H. Hollander's article on "The Naturalization of the Jews in the American Colonies under the Act of 1740," Moses Lopez, Abraham Rodrigues de Rivieres and Solomon Hart, Junior, were naturalized in New York between June 1, 1740 and June 1, 1741, and Jacob Rodrigues Revera in the same place on January 21, 1746. Apparently this was done in each case before they went to Newport. As I have pointed out elsewhere, the Navigation Act made it unlawful for aliens to trade in the English colonies, under

penalty of forfeiting their vessel and goods, hence naturalization was of great importance for the American Jewish merchants. A number of them probably had no difficulty in securing naturalization in Newport, but when Aaron Lopez and another Jew were refused naturalization in 1762 in Newport, Lopez immediately secured naturalization under the same British Act in Massachusetts.\* The record of the Superior Court, refusing naturalization, is as follows: "The petition of Messrs. Aaron Lopez, and Isaac Elizar, persons professing the Jewish religion, praying that they may be naturalized on an Act of Parliament, made in the 13th year of his late Majesty's reign, George II., having been duly considered, and also the Act of Parliament therein referred to, this Court are unanimously of opinion that the said Act of Parliament was wisely designed for increasing the number of the inhabitants in the plantations, but this colony, being already so full of people that many of his Majesty's good subjects born within the same have removed and settled in Nova Scotia, and other places, cannot come within the intention of said act. Further, by the charter granted to this colony, it appears that the free and quiet enjoyment of the Christian religion and a desire of propagating the same were the principal views with which the colony was settled, and by a law made and passed in the year 1663, no person who does not profess the Christian religion can be admitted free of this colony. The Court, therefore, unanimously dismiss this petition as wholly inconsistent with the first principles upon which the colony was founded and a law of the same now in force. Superior Court, March Term 1762." †

It has been pointed out that this decision was not only wholly at variance with the fundamental principles upon which the colony was founded, but was bad law. The Act of 1740 was

<sup>\*&</sup>quot;Jewish Activity in our Colonial Commerce," American Hebrew, March 13, 1896.

<sup>†</sup>Arnold, History of Rhode Island, vol. II, pp. 494-5. Compare Daly, pp. 82-84.

in terms applicable to the colonies, and their courts had no authority by narrow construction to nullify the statute, nor could any inconsistent earlier or later colonial statutes stand as valid while this British statute was unrepealed. The fact probably is, as Arnold suggests, that the strife then subsisting between the Chief Justice, Ward, and the Governor, Hopkins, was responsible for the attempt to prevent any increase in the voting population. In fact, the decision, if it was followed, which is doubtful, was easily evaded by such expedients as Lopez resorted to.

The first of the Lopez family to reach Newport appears to have been Moses Lopez, who was exempted in 1750 by special Act of the Assembly from personal tax in recognition of his past and prospective services in translating letters and papers from Spanish into English for the use of the Government.\* He appears to have arrived at Newport some time between 1740, when he was naturalized in New York, and 1750. Abraham Rodriguez Rivera, whose daughter Rebecca Moses Lopez married in New York, had been naturalized in the same year; but Jacob Rodriguez Rivera, Lopez's well known brother-in-law, was naturalized in New York in 1746. As we are told that the whole family removed together to Newport from New York, we may approximately fix the date at Aaron Lopez, the famous half-brother of Moses Lopez, came with his family to Newport from Portugal in October, 1752.† Parliament had passed an act to encourage the manufacture of potash in the colonies, and the same policy appears to have prompted the Assembly of Rhode Island to grant Moses Lopez a patent for ten years upon an improved method of making it, known only to himself.‡

Judge Daly states of Aaron Lopez that "at the breaking out of the American Revolution he was himself the owner

<sup>\*</sup> Bartlett's Records, vol. V, pp. 307-8.

t"Sources of American Jewish History," edited by Dr. Cyrus Adler, "Jews in Massachusetts," The Menorah Monthly, vol. 5, p. 258 (October, 1888). Mason says 1746 (p. 55).

<sup>‡</sup> Bartlett's Records, vol. V, pp. 375-6.

of thirty vessels engaged in European and West India trade and the whale fisheries, and was then and for some years previously looked upon as the most eminent and successful merchant in New England" (p. 78). It is stated that he was among the first to push the whaling business as far as the Falkland Islands. He and his brother Moses were partners. This extraordinary success in business appears to have been attained by Aaron Lopez immediately after arriving. The Lopez brothers, as well as some of the other Newport Jewish merchants, particularly Myer Pollack, were heavily interested in the West India trade in molasses, which was brought from there to Newport, manufactured into rum in the latter place, and exported to Africa, the vessels commonly returning to the West Indies with slaves. We have the Custom House records of the amount of molasses imported into Newport for the quarter ending October 10, 1769, which contains the entry of the ship Industry, belonging to Aaron Lopez, hailing from Jamaica, as also of the vessel Hope from Hispaniola, and Nancy from St. Eustatia, both belonging to Myer Pollack of Newport.

In 1773 we find Aaron Lopez appointed by the Rhode Island Assembly a member of a committee of three to draft a petition to his Majesty's Secretary of State for an explicit recognition of the right of the colonies to engage in fishery in Canadian waters. In 1776 we find the Assembly allowing him an account for £22 for gunpowder and a whale-boat delivered for the use of the colony.\* Lopez and the large majority of the other Newport Jews espoused the American cause in the Revolutionary struggle, as is particularly attested by the fact that nearly all the Jews were compelled to flee on the eve of the British occupation of Newport. The Rev. Frederick Dennison, in the course of a lecture on the Jews of Newport, delivered before the Rhode Island Veterans' Citizens' Association on December 7, 1885,† said,

<sup>\*</sup>Bartlett's Records, vol. VII, pp. 213, 462. Compare Pub. Am. Jewish Hist. Soc., No. 3, pp. 149-150.

<sup>†</sup> Narragansett Historical Register, vol. IV, p 307.

"The Jews were friends of the colonies in the Revolutionary struggle. They gave liberally of their means to sustain the patriot cause. In some cases they served in the Continental armies." The evidence of service in the army by Newport Jews is very scant, because nearly all the Newport records were destroyed at the approach of or by the British, and the long occupation of Newport made American service there impracticable. I find Aaron Isaacs of Newport referred to as an active supporter of the army of the Revolution,\* and the writer in Frankel's Monatsschrift identifies Salomon Rophe as another co-religionist on the army rolls.† Several other names possibly Jewish may be found on the same Newport lists. As for Aaron Lopez, we find that his espousal of the American cause almost wholly wrecked his business, nearly all of his vessels having been lost. † Dr. Herbert Friedenwald, in his "Memorials presented to the Continental Congress," § calls attention to a petition presented on behalf of Aaron Lopez to Congress in April, 1780, for a safe-conduct to enable him and his factor to remove some of Lopez's property from Jamaica to this country. It is there stated that "the character of Mr. Lopez as a friend to the liberties and independence of the United States is clear and unimpeached, as will be testified by some Honorable Members of this House." It appears from this petition that some of his vessels had been captured by American privateers, but that an award had been made in his favor in several suits in the Courts of Admiralty and Appeals. Attention has heretofore been called to the facts as to Aaron Lopez's philanthropy in founding the Leicester Academy. We also find that Moses Lopez and Jacob Joseph were among the founders of the Redwood Library, and Jacob R. Rivera one of its

<sup>\*</sup>Simon Wolf, The American Jew as Patriot, Soldier and Citizen, p. 49.

<sup>†</sup>Frankel's Monatsschrift, vol. IV, p. 300.

<sup>‡</sup> Arnold, vol. II, p. 447.

<sup>§</sup> Pub. Am. Jewish Hist. Soc., No. 2, pp. 126-7.

stockholders in 1758; also that Moses Seixas was one of the trustees of the Long Wharf Trust designated by the Legislature, and for a long time its secretary.\* The unfortunate accident which led to the death by drowning of Aaron Lopez is set forth at length by Judge Daly (p. 86), as also the view of a competent Newport historical authority that his death at this period, 1782, was one of the greatest misfortunes that ever befell Newport, because there is very little doubt that, had he lived, in view of his extensive business relations and the termination of the war, he would speedily have retrieved his losses and contributed greatly to restore the business and trade of the place. The very appropriate epitaph on his tombstone:

He was a merchant of eminence
of polite and amiable manners.
Hospitality, Liberality and Benevolence
were his true characteristics
An ornament and valuable Pillar to
the Jewish Society of which he was a
member. His knowledge in commerce
was unbounded and his integrity irreproachable;
thus he lived and died, much regretted,
esteemed and loved by all.

as well as those of some of the other leading Newport Jews, may be found in Markens' *The Hebrews in America*, where they are made more accessible than in the article by Rev. A. P. Mendes, from which Markens no doubt derived them.

Jacob Rodriguez Rivera, whose daughter became Aaron Lopez's second wife, we have already referred to; he it was who introduced the sperm oil industry in America, which was one of the principal sources of Newport's prosperity. He was a large importer of dry goods, and was a man of most exemplary integrity and probity, as witness the various

<sup>\*</sup>Pub. Am. Jewish Hist. Soc., No. 4, pp. 88-9, Mason, p. 54; Services at the dedication of the School House erected by the trustees of the Long Wharf, 1863, pp. 57, 58, 104.

anecdotes and stories told about him.\* After they fled from Newport in 1777, Jacob R. Rivera, the Lopez family, and some members of the Mendes family, removed to Leicester, Massachusetts, and lived and traded there until 1782.† Rivera died at Newport at the age of 72, in the year 1789. Among the other distinguished Jewish merchants of Newport were the Pollocks, one member of which family has already been mentioned, and other particulars about whom may be found collected in Mason's work; Isaac Hart, who was a patron of the fine arts, and who fell a martyr to his espousal of the Tory cause;‡ and Moses Michael Hays, who subsequently removed to Boston with his young nephews, Abraham and Judah Touro; he was not only a man of great wealth and business acumen, but of the broadest philanthropy.§

The noble career of the Touro brothers, in spite of their birth in Newport and their generosity towards their native city, still recognized in the name of one of its principal streets, belongs to the history of the Jews of Boston and New Orleans respectively. Among other early Jewish settlers at Newport we find the names of Moses Alvarez, who died in 1766; Myers Benjamin, who died in 1766; Isaac Mendez Seixas (1780), Benjamin Levy (1787), Mrs. Martha Moravia (1787) and Moses Levy. It should be noticed that mem-

\*See Pub. Am. Jewish Hist. Soc., No. 2, pp. 101-106; Mason, p. 58. The article on the Jews of Newport contained in a compilation edited by A. G. Daniels, and referred to in note 91 of Daly (p. 86), appears to be an unacknowledged reprint of a chapter from Mason's work.

†See Dr. Cyrus Adler's article in Menorah Monthly, supra, quoting from Washburn's Historical Sketches of Leicester.

‡ Pub. Am. Jewish Hist. Soc., No. 4, pp. 88-9.

§See Mason, p. 67.

|| See article by Mendes, supra. An interesting account of several of these persons is found in an article by Mr. N. Taylor Phillips on "The Levy and Seixas Families of Newport and New York," Pub. No. 4, pp. 189-214. I am also indebted to Dr. Herbert Friedenwald for the following extract from an intercepted letter, written by Jacob Franks in London, Sept. 6, 1775, to Moses Levy of Newport, "The

bers of the Jewish families of Newport were residents also of Portugal, the West Indies, New York, Boston, Leicester, Providence, Richmond, Wilmington, Savannah, Charleston, North Carolina and New Orleans. When we recollect that intercolonial trade scarcely existed in those days, principally because the inhabitants of the different colonies were strangers and aliens to each other, we can begin to realize the secret of the success of the Jews in commerce and their services to their respective localities.\* Speaking of these Jews of Newport, Judge Daly has well said, "They were in fact the chief persons of the place, for, besides Lopez and Rivera, there were many Jewish merchants there, men of wealth, cultivation, intelligence and enterprise, and the commercial prosperity which they contributed so materially to bring about was due not only to their remarkable capacity and industry, but to the confidence inspired by their scrupulous integrity and delicate sense of mercantile honor."

Among the Newport Jews who were less successful in a worldly sense, though not because of want of enterprise and push, was Jacob Isaacs, whose memorial to Congress in 1791 relative to a method of converting salt water into fresh water, was the subject of a paper by Dr. Friedenwald in No. 2 of our *Publications* (p. 111). Mason devotes a few lines to him which do not appear to have been brought to Dr. Friedenwald's attention. He says (p. 61): "Jacob Isaacs kept himself before the public through his untiring effort to get on in the world. In 1772 he was insolvent, and from that time we hear nothing from him until 1783, when he offered

circumstances of the times and the late proclamation forbid the sending money to America; will therefore keep it for Levy's disposal, unless he desires to put it into hands less scrupulous." From Eng. Hist. MSS. Commission. Dartmouth MSS., 14th Report, Appdx., Part X, p. 373.

\*Notice in this connection the intercolonial "trust" or combine formed in 1761, composed largely of American Jewish merchants herein referred to, which is described at length in an interesting article by Geo. P. Mason on the United Company of Spermaceti Chandlers, in Magazine of New England History, vol. II, pp. 165-9.

to have vessels built by the best workmen in Rhode Island or Massachusetts on reasonable terms, and at the same time he made it known that he was doing a general brokerage business. The year before he opened an insurance office, but it seems to have been only on paper, for we hear nothing more from it. At the time of Washington's visit to Newport, 1790, he brought himself again into notice by presenting the President with 'a bottle of water extracted from ocean water, so free from saline matter as to answer for all the common and culinary purposes of fountain or river water.' The narrative goes on to state that 'the President was pleased to express himself highly satisfied therewith.' Isaacs was gathered to his fathers in 1798, at an advanced age."

But to return to the general community of Jews at Newport. It appears to have received a number of accessions about 1755, after the Lisbon earthquake of that year. Among these was Rev. Isaac Touro, who, it is said, reached Newport about 1758 from Jamaica. His arrival seems to have stimulated the religious zeal of the community, whose minister he became, for in 1762 the building of the first synagogue in Newport was begun, and the edifice was finished and dedicated on Dec. 2, 1763, with great pomp and magnificence.\* There were at this time probably over sixty Jewish families in Newport. Soon after, Haym Isaac Karigel appears to have reached Newport also, and to have became Chazan of the synagogue. He became an intimate friend of Ezra Stiles, the well known president of Yale University, taught him Hebrew, and had many a warm discussion with him. We

<sup>\*</sup> A number of additional items of interest about this synagogue, its dedication, etc., and about the Jews in Newport generally, may be found in the "Consecration Number, Shearith Israel Congregation" of The American Hebrew (issue of May 21, 1897), and in this Publication. See also: George W. Curtis on "Newport, Historical and Social," in Harpers' Monthly, vol. 9, p. 289; L. W. Champney on "Society of Newport in the 18th Century," Harpers' Monthly, vol. 59, p. 497; and George W. Channing's Early Recollections of Newport, ch. XVI, "Jews and their Synagogue," pp. 198-204 and in passim.

have in our possession a copy of a sermon preached by Karigel in Newport on May 28, 1773, which was translated from the original Spanish into English by Abraham Lopez,\* and I am informed by Professor F. B. Dexter, of Yale University, that the library of that institution, among the Stiles correspondence, still contains original letters from Karigel Just before the outbreak of the Revolutionary War, the Jewish community appears to have been composed of about two hundred families. The community was very largely dispersed by the war, many of its members never returned, and those who did were unable to repair the ruin which the city and its trade had suffered from the effects of the war. In 1790 the Jewish community presented an address to Washington, which he responded to in the enlightened and characteristically American reply which is so well known;† the original reply of President Washington is in the possession of Mr. Frederick Phillips of New York City. Soon, however, there ceased to be a Minyan for service, and when the eminent philanthropist, Judah Touro, was buried there on January 13th, 1854, the Jews in Newport had long been merely a memory. Judah and his brother Abraham Touro, by their generous bequests to Newport, have made the Jewish name a continuing blessing to the place, so as to cause the realization of the truth of the epitaph on his tombstone "The last of his name. He inscribed it in the book of philanthropy, to be remembered forever." In recent years Jews became residents of Newport once more, the synagogue was again opened in 1882, Rev. A. P. Mendes was its minister until his death, and a second congregation was also formed. But times have

<sup>\*</sup>Pub. Am. Jewish Hist. Soc., No. 1, p. 123, No. 3, pp. 122-5. Holmes' Life of President Stiles, pp. 128, 129, 168, 192. Life of Stiles, Sparks' Am. Biographies, vol. 16. Hannah Adams' History of the Jews, London edition of 1840, pp. 461-3. Frankel's Monatsschrift, vol. IV, pp. 295-6. Lady Magnus' Outlines of Jewish History, Am. Chapters in Jewish Pub. Soc. edition.

<sup>†</sup> Pub. Am. Jewish Hist. Soc., No. 3, pp. 90-92.

changed and men have changed, and as concerns the race of Jewish merchant princes of Newport, Longfellow's verse still rings true:

"Gone are the living, but the dead remain,
And not neglected; for a hand unseen,
Scattering its bounty, like a summer rain,
Still keeps their graves and their remembrance green."

# CIVIL STATUS OF THE JEWS IN COLONIAL NEW YORK.

By Max J. Kohler, A.M., LL.B., New York.

It is the purpose of the present paper to give an outline of the historical development of the acquisition of full civil rights by the Jews in New York. I am aware of the fact that this is an extremely arduous undertaking, in view of the almost utter neglect of the whole field of the legal status of colonists in the English possessions in America. The importance of the subject, however, ought to justify the presentation of even purely tentative investigations. The first branch of this subject, the history of the legal status of the Jews during the Dutch period, has received quite elaborate treatment, principally at the hands of Judge Daly. Were it not for the fact that the subsequent history could not be properly understood without first considering the conditions under Dutch rule, this earlier period might well be The periods are so closely connected, however, omitted. and the former throws so much light on the latter, that this suggestion cannot with prudence be adopted. Moreover, in treating the Dutch period with this particular purpose in view it will be possible to trace the development clearly and concisely, and while so doing, some new light may be afforded from the use of original papers in the archives of the State of New York at Albany, instead of the printed abstracts and digests heretofore employed. As to the English colonial period, new and broader lines of inquiry will be adopted, recognition being had both of the influence of British written and unwritten law, and also of the further element of the legal limitations and restrictions set upon colonial legislation by the British constitution.

Although the English laid claims to New York long prior to their conquest in 1664, the first settlements there were made by the Dutch under the direction of the Dutch West India Company, and they remained in exclusive possession till 1664. There is conclusive evidence at hand that Jews, soldiers and sailors, reached New Amsterdam as early as 1652, having been sent here by the Directors of the Company.\* Mr. Dyer has called attention to the fact that well-to-do Jewish merchants from Amsterdam had settled here in 1654 without any questioning of their right.† How much earlier, isolated individuals of the Jewish race may have arrived here, no one can tell. The official records, known to us at present, are silent as to any such arrivals prior to 1652, but the references to these early arrivals are so purely haphazard and incidental that one cannot assume that such arrivals would have attracted any particular attention.‡ It is possible, as has been suggested by Mr. Dyer, that the Amsterdam merchants came over with special grants of rights and privileges from the Dutch West India Company, in which the Jews were heavily interested as stockholders, and which is even said to have had some Jewish directors. The evidence of such special grant of privileges is not at hand, however, and the assumption is by no means a necessary one. Jews residing in Holland may reasonably be expected to have migrated to Dutch colonies in the confident expectation that they would continue to share the same rights as in the mother country.§ At this time the Jews of Holland enjoyed religious

<sup>\*&</sup>quot;Phases of Jewish Life in New York before 1800," II, Pub. Amer. Jewish Hist. Soc., No. 3, pp. 73-5.

t"Points in the First Chapter of New York Jewish History," ibidem, pp. 43-4.

<sup>‡</sup> Compare ibidem, No. 2, p. 77.

<sup>§</sup> It may confidently be expected that new matter relative to the Jews in New York in the Dutch period will be brought to light when the translations of the New York City Colonial Records are published. The first volume of these, edited by B. Fernow, is now in press.

toleration, the restrictions upon their rights being that they were forbidden to write or speak disparagingly of the Christian religion, to make converts, to intermarry with Christians, and to follow any mechanical pursuit or to engage in retail trade. They enjoyed full political privileges, but were not allowed to exercise the rites of their religion otherwise than in privacy, public edifices being prohibited for that purpose.\* The assumption that Dutch Jews settling in New Netherland would enjoy substantially the same privileges was in fact realized in a great measure.

A priori inferences must, however, be modified by a consideration of certain extrinsic circumstances. The first of these is that the authority of the Dutch West India Company over the territory in question was so great and sweeping that it could have wholly prohibited such settlement. On the other hand, it should be remembered that this company was controlled by Dutch merchants who constantly had extensive business associations with Jews; that there were a number of Jewish stockholders in the company itself, some of great influence; and furthermore that Jews had been very active in the South American colony controlled by the same company, Brazil, and that they were expelled from that colony upon its conquest by the Portuguese in 1654. Whatever tendency there may have been on the part of individuals to induce the company to adopt the prevailing policy of intolerance and exclusion towards the Jews which characterized the times, instead of the liberal methods of the Dutch government, were fully offset by these other considerations.

Thus we find Jacob Aboaf and Jacob Barsimson, Jews, arriving at New Amsterdam, July 8, 1654, without attracting any attention,† and soon after a party of 27 from Brazil arrived, who were immediately involved in legal proceedings

<sup>\*</sup> Daly, Settlement of the Jews in North America, p. 4.

t"Phases of Jewish Life in New York before 1800," Pub. Am. Jewish Hist. Soc., No. 2, p. 77.

because of failure to pay their passage money. In spite of the fact that two of these were detained in custody for some time at the creditors' expense, pending the payment of this money, in accordance with the harsh debtor's laws of the day, we can see no discrimination against these settlers because of their faith, nor any denial of their right to remain here.

The number of Jewish residents had, however, rapidly increased by this time, and the expulsion of thousands of Jews from Brazil must have given ground for the belief that the number would grow enormously. Moreover, the Brazilian exiles had doubtless been despoiled before they could leave Brazil, and we learn from a letter written by the Rev. Johannus Megopolensis from New Amsterdam on March 18, 1655, that they were poor and became a charge upon the Dutch church, which had to spend several hundred guilders for their support. The Dutch dominie continued: "They came several times to my house weeping and bemoaning their misery, and when I directed them to the Jewish merchants, they said that these would not lend them a few stivers. Some more have come from Holland this spring, reporting that still more of this lot would follow and then build here a synagogue. This causes among the congregation here a great deal of grumbling and murmuring. As these people have no other god but the unrighteous mammon, and no other aim than to get possession of Christian property, and to ruin all other merchants by drawing all trade towards themselves, therefore we request your Reverences [the Classis of Amsterdam] to obtain an order from the Lords Directors that these godless rascals, who are of no benefit to the country, but look at everything for their profit, may be sent away from here."\*

Shortly before this letter was written, in the spring of 1655, other Jews appear to have arrived at New Amsterdam from Holland, who are referred to in this letter; apparently they came under the authority of orders from the Company

<sup>\*</sup> Dyer, Pub. Am. Jewish Hist. Soc., No. 3, pp. 43-4.

dated February 15, 1655, which are no longer extant.\* Before they could have arrived, Abram De La Simon, one of the Jewish residents of New Amsterdam, was arrested for keeping his store open during the sermon on Sunday. He was arraigned before the Burgomasters and Schepens on March 1, 1655, and it was then announced that the Director General, Stuyvesant, and the Supreme Council have resolved that the Jews who came here from the West Indies and now from Fatherland must prepare to depart forthwith, and that they shall receive notice thereof.† The Council as well as the Burgomasters and Schepens at this time were wholly under Stuyvesant's influence, and he appears to have recommended even before this that the Directors issue orders for the expulsion of the Jews.

In answer to this recommendation, and in all probability before the orders of expulsion could have been even partially carried out, the authorization of February 15, 1655, was followed up by the instructions from the Directors of the Company to Stuyvesant, dated April 26, 1655: "We would have liked to agree to your wishes and request, that the new territories should not be further invaded by people of the Jewish race, for we foresee from such immigration the same difficulties which you fear, but after having further weighed and considered the matter we observe that it would be unreasonable and unfair, especially because of the considerable loss sustained by the Jews in the taking of Brazil, and also because of the large amount of capital which they have invested in shares of this Company. After many consultations we have decided and resolved upon a certain petition made by said Portuguese Jews, that they shall have permission to sail to and trade in New Netherland and to live and remain there, provided the poor among them shall not become a burden to the Company, or to the community, but be supported by their own nation. You will govern yourself accordingly." I

<sup>\*</sup> Daly, p. 10, note no. 9. † Ibidem, pp. 11-12, note no. 10. † Documents relating to the Colonial History of the State of New York, vol. XIV, p. 315.

It will be observed that for the purposes of maintaining their own poor at least, the Jews were treated as a separate class, and these instructions did not definitely state that they were to have the same rights as in Holland. The way was still open, therefore, for further intolerance on Stuyvesant's part. This was met by the Directors in a letter to Stuyvesant, dated March 13, 1656, in the course of which they state: "The permission given to the Jews to go to New Netherland and enjoy the same privileges as they have here (in Amsterdam) has been granted only as far as civil and political rights are concerned, without giving the said Jews a claim to the privilege of exercising their religion in a synagogue or gathering."

That question was reserved, for the time, but was disposed of as follows in their letter to Stuyvesant dated June 14, 1656: "We have seen and heard with displeasure that, against our orders of the 15th day of February, 1655, issued at the request of the Jewish or Portuguese nation, you have forbidden them to trade to Fort Orange and the South River, also the purchase of real estate, which is granted to them without difficulty here in this country, and we wish it had not been done, and that you had obeyed our orders, which you must always execute punctually and with more respect. Jews or Portuguese people, however, shall not be employed in any public service (to which they are neither admitted in this city) nor allowed to have open retail shops, but they may quietly and peacefully carry on their business as aforesaid, and exercise in all quietness their religion within their houses, for which end they must without doubt endeavor to build their houses close together in a convenient place on one or the other side of New Amsterdam-at their choice -as they have done here." \*

The Jews had by this time won the battle and their rights were established; it is even improbable that so much of these orders as may have tended to require the establishment of a

<sup>\*</sup> Daly, note no. 11, pp. 12-13.

Ghetto was ever carried out. The Governor and the Council were therefore compelled to reverse their earlier action in refusing to permit Jews to purchase real property,\* and Jews thereafter freely purchased land. The same occurred relative to trading on the South River (the Delaware), at Fort Orange, at Albany, etc., the Company's orders leading to a reversal of Stuyvesant's partial prohibition.†

A resolution of the Governor and Council, dated August 28th, 1655, exempting Jews from military service by standing guard, and imposing a special tax upon them in lieu thereof, was the subject of a special petition by Barsimson and Asser Levy, which was curtly denied by the Council in November of that year. Whether the later orders from the Directors did not have the effect of superseding this resolution also does not appear; no future reference to any such special tax can be found. One of the last of the struggles was between some of the Jewish residents and the Burgomasters, who declined to admit Jews to citizenship; upon appeal to the Governor and Council, they directed the Burgomasters to comply with the request. The petition and the order relative to it, contained in the state archives at Albany, are given below. I

† Daly, p. 20, note 17; also p. 22, notes 18 and 19.

t Dutch Records, vol. VIII, p. 531. Translation Dutch Records,

vol. XV, p. 140:

"To the Director General & Council in N. N. shew with all due reverence, we undersigned, of the Jewish nation here, how that one of our nation went to the court house in this city & solicited the Burgomasters, that he might obtain, as other citizens, a certificate of his citizenship, which, to our great surprise was declined by the Burgomaster and as the Directors & Council on the 15 Feb. 1655 consented to our petition that we should enjoy all the same privileges as other inhabitants of New Netherland as appears by the annexed petition, & further that our nation enjoys in the City of Amsterdam in Holland the right of citizenship & each one desiring it, obtains such a certificate, as is evident from a similar certificate here annexed-& further that our nation, as long as we resided here, did bear her share with others in every burthen of the citizens, &

<sup>\*</sup>Compare the account of D'Andrada's purchase, Daly, p. 18.

Meanwhile land belonging to the Company appears to have been set aside for a Jewish cemetery.\* Mr. S. W. Rosendale pointed out on a previous occasion that land was purchased by Jews in some cases to enable them to secure burgher rights.† As the regulation had been adopted about 1654 that "henceforward, traders arriving cannot trade without setting up and keeping an open store in a hired or owned house or rooms, and to ask the common or small burgher right (paying 20 guilders therefor) and have subjected themselves by subjection or promise of oath to bear their burden, expenses, expeditions and watches like other burghers and citizens,"‡ the acquisition of citizenship or the burgher right was of great importance to the Jewish settlers. As we have seen, they acquired this right in New Netherland.

paid & continue to do so till this day. So we reverently solicit, that your Hon. will not now exclude us from the rank of citizens, but rather to incline the Hon. Burgomasters that they will permit us to enjoy with other citizens their privileges, and grant to each person who might solicit that favour, a certificate of their citizenship, in conformity to the orders of the Directors mentioned before—upon which expecting your Hon. favourable apostell we shall remain, as we were before,

Your Hon. humble servants,

SALVADOR D'ANDRADA, JACOB COHEN HENRIQUE, ABRAHAM DE LUCENA, JOSEPH D'ACOSTA.

"On this petition the following apostell was given: The Burgomasters of this City are authorized & at the same time commanded to admit the Remonstrants with their nation among the citizens in debita forma—on the day as above.

P. STUYVESANT,
NICASIUS DE SILLE,
PIETER TONNEMAN."

April 20, 1657.

\*Pub. Am. Jewish Hist. Soc., No. 3, pp. 76-7.

t"An Early Ownership of Real Estate in Albany, N. Y., by a Jewish Trader," Pub. Am. Jewish Hist. Soc., No. 3, pp. 61, 62, 65.

;" The Burghers of New Amsterdam and the Freemen of N. Y.," N. Y. Hist. Soc. Collections for 1885, p. 10.

Such was the situation when the colony was conquered by the English in 1664.

Charles II in 1663 granted New York to his brother James, Duke of York, subsequently King James II; the King claimed title to the territory by reason of the discoveries of the Cabots, in spite of Dutch occupation. In 1664 a fleet under Col. Nicolls arrived there, sent by the Duke of York, and the Dutch were forced to surrender the colony. By the articles of capitulation it was provided that "All people shall still continue free denizens and enjoy their lands, houses, goods, ships wheresoever they are within this country, and dispose of them as they please . . . . The Dutch here shall enjoy the liberty of their consciences in divine worship and church discipline." The conquest and its terms were confirmed by the Treaty of Breda in 1667. The effect of these terms would seem to be to continue the legal status of the Jewish residents as of old under the new order.

Attention must here be directed to some general principles of English colonial law. It was often held that in conquered territory the laws of England did not prevail, but that the conquerors could impose whatever laws they chose upon the conquered people. Where, however, there was a formal capitulation or treaty, its terms became law, and with the old laws prevailed until new laws were substituted by the conqueror. New York was commonly treated as conquered territory in English law, due regard being had for the terms of capitulation. But there was throughout also authority for the view that New York, like the other colonial domains, was an acquisition by discovery, and as such subject to the laws of England. It will be remembered that the Duke of York claimed under title from the King based on discovery. The matter was never authoritatively adjudicated upon and determined.

Even as conquered territory, however, its laws could not stand in so far as they were inconsistent with the fundamental laws of England. Furthermore, the Act of 7 and 8 William III, ch. 22, repealed all colonial laws inconsistent with and repugnant to the laws of England, and various English statutes were in terms from time to time made applicable to all the American colonies, while some of the grants of privileges to the colony of New York in terms made certain English laws applicable. From any point of view, then, the laws of England had an important bearing upon the status of the Jews in the newly conquered province of New York, and we will find that they were distinctly applied in several instances. It is important, then, that we glance for a few moments at the legal status of the Jews in England before the Revolution.

It is not my purpose to branch off here into an extended review of the legal status of the Jews in England during the colonial period; such a task is wholly beyond the scope of the present paper. It may be observed, however, that thus far no earnest treatment of this subject has appeared, although without it, it is impossible to understand the development of religious liberty in America as far as it is applicable to the Jews. The enactments and adjudications of the mother country were so largely binding upon the colonies, so frequently in conflict with their statutes, and so often applied in unexpected contingencies, that the history of the latter is unintelligible without the former. Mr. Lucien Wolf's very valuable studies in the history of the London Jewry make it possible to write such a paper, but it may be doubted whether any one except a trained lawyer will be able not only to pick out the isolated cases, but to distinguish clearly between decision and obiter dicta in the cases involving the rights of Jews in the English law reports.

For present purposes it will be sufficient to point out that it was doubtful in Cromwell's time whether the law prohibited Jews from settling in England or not, the lawyers being divided on the point; Cromwell and the rulers who followed him connived at the resettlement of Jews in England, but did not by statute authorize their settlement. Before

Cromwell's time some of the leading law books had crystallized the law, and this was done largely by lawyers of ecclesiastical antecedents, who were deeply influenced by political tests and fanatical zeal born of the Reformation. One of the chief of these was Lord Coke, who mixed law and theology in his commentaries, in laying down the principle that infidels were perpetual enemies, who had no rights whatsoever which a court of justice could enforce, and who expressly held that Jews were infidels within the meaning of this principle.\* Coke's Institutes and Reports were for many years works of the most authoritative kind, and it may readily be understood that his statements were cited and followed as binding in many cases in which the line of minor cases, in which the principle was criticized or overruled, were wholly overlooked. We find that Coke's principle was invoked in England in 1673 to prevent a Jewish plaintiff from recovering a debt admitted to be due him, the defendant claiming that a perpetual enemy had no standing in a court of justice; fortunately, the Court overruled the contention.† Several times thereafter the point was urged that a Jew, being an infidel and a perpetual enemy, could not be a witness in an English court of justice; the point in England was commonly overruled, but it should be noticed that in the West Indies enabling acts were passed to make such testimony competent. If the perpetual-enemy principle be applied it becomes very doubtful if even Jews born in England or in English possessions became English subjects, and scarcely a

<sup>\*4</sup> Inst. Co. 155; 12 H. VIII, fol. 4.

<sup>†</sup>Lilly's Prac. Register (Second Ed.), I, p. 4.

<sup>‡</sup> In this country various local statutes in different localities made non-Christians incompetent as witnesses. "A Jew brought an Action, and the Defendant pleaded that the Plaintiff is a Jew, and that all Jews are perpetual Enemies Regis & Religionis. Judgment si actio. Curia. A Jew may recover as well as a Villein, and the Plea is but in Disability so long as the King shall prohibit them to trade; and Judgment was given for the Plaintiff. Mich. 36, Car. 2 in B. Regis."

single common right could be claimed for a Jew under it. It is true that Lord Mansfield in 1774 interrupted counsel who were arguing a case before him, as they were about to quote this passage from Lord Coke, with the statement, "Don't quote the distinction, for the honour of Lord Coke," and declared the principle unsound and overruled, but many a judge of less ability and independence than Mansfield felt bound by Coke's authority during the many years preceding Mansfield's statement.

In fact there were other legal authorities besides Coke against the rights of the Jews. Even in the famous case of East India Company vs. Sandys (2 Shower's Repts., 371), the Jews were treated, at least by the Attorney General, as in England only under an implied license which the Crown might revoke at any time.

We find that a number of Jews were indicted in 1673 for worshipping in public in their synagogue in England; no decision was reached on the merits in this case, but the Jews secured an order from Charles II and his Council directing the Attorney General to stop all proceedings and "that they receive no further trouble in this behalf." In 1685 no less than 37 Jewish merchants were indicted for violation of statute c. 23 Eliz. by not attending church; again the Jews appear to have preferred to secure the Crown's interference in their behalf rather than fighting the case on its merits, for the King, James II, in Council directed the Attorney General to stop the proceedings.

So also as to the question of liability on the part of Jews holding letters of denization in England for Alien duties, there were series of bitter contests, won by the Jews several times during James II's reign, but decided against them in 1690.\* More satisfactory is the enactment of a law by Parliament in 1723 which recognized Jews as his Majesty's

<sup>\*</sup>Picciotto's Sketches of Anglo-Jewish History, pp. 46-50. A number of the other incidents above referred to are quoted from this work. See also the very valuable "Bibliotheca Anglo-Judaica," compiled by Joseph Jacobs and Lucien Wolf, being Publications of the Anglo-

subjects, and provided that in taking the oath of abjuration they might omit the words "on the true faith of a Christian." This Act implicitly recognized the fact that the Jews were lawfully sworn in English courts of justice in conformity with their religious views.

But it must be admitted that during the seventeenth century at least, and to a less degree till our Revolution, the standing of Jews before English courts of justice was very uncertain and insecure. In a measure, then, the application of English law to the conquered colony of New York threw a cloud upon the rights of the Jews. Yet the New York colonists generally, quite eagerly invoked the protection of British law, both because their rights as residents of conquered territory were so insecure and uncertain, and because England conferred greater political liberty upon her colonists than Holland was wont to do. Nicolls became the first Governor of New York, and as such, in 1665, under authority from the Duke of York, who in turn derived his authority from Charles II, he promulgated the Duke's Laws, by which many English laws were enacted for the conquered colony. One of these provided that "no person shall be molested, fined or imprisoned for differing in judgment in matters of religion, who professes Christianity." Gov. Andros, in his Instructions from the Duke of York in 1674, was ordered to "permit all persons of what Religion so ever, quietly to inhabit within ye precincts of yor jurisdiction wthout giving ym any disturbance or disquiet whatsoever, for or by reason of their differing opinion in matter of Religion: Provided they give noe disturbance to ye publique peace nor doe molest or disquiet others in ye free exercise of their religion."\*

Jewish Historical Exhibition, No. 3, London, 1888, particularly "Trials and Leading Cases," pp. 94-100. Compare also the very scholarly series of articles by Lucien Wolf on "Jewish Emancipation in the City," the first of which appeared in The Jewish Chronicle on Sept. 14th, 1894.

\* Documents relating to the Col. History of the State of New York, vol. III, pp. 216-9, sec. 11.

In 1678, in reporting on the state of the colony, Andros in terms officially recognized the residence of Jews in the colony in the following terms: "There are Religions of all sorts, one Church of England, severall Presbyterians and Independents, Quakers and Anabaptists of several sects, some Jews, but Presbyterians and Independents most num-Judge Daly has pointed out\* that erous and substantiall." the grant of liberty of conscience which was found in Andros' instructions, just quoted, was not contained in Gov. Dongan's first instructions, but it was inserted in nearly the same terms in the King's instructions to Dongan in 1686 † and repeated in subsequent instructions. In 1683 the colonial Assembly adopted a Charter of Liberties and Privileges, which extended immunity from persecution to all persons "who professed faith in God by Jesus Christ"; this did not embrace the Jews, and was substantially identical with the Duke's Laws of 1665, but the form of the enactment was purely negative. It will be noticed that the local authorities almost invariably were more hostile than those in England.

In the interim between Dongan's first and second instructions two questions substantially affecting the rights of the Jews presented themselves. The first of these was the petition in 1685 by Jewish residents to Gov. Dongan, "for liberty to exercise their religion," which probably meant by means of public religious gatherings. Dongan referred the petition to the Mayor and Common Council of New York, who decided "that no public worship is tolerated by act of Assembly but to those that profess faith in Christ, and therefore the Jews' worship not to be allowed." Considering this as referring only to public worship, the decision must be conceded to be a correct exposition of the law, both from the view of a continuance of Dutch privileges and as an application of colonial legislation. A sharp distinction must be drawn

<sup>\*</sup> Settlement of the Jews in North America, p. 26.

<sup>†</sup> Documents, etc., vol. III, p. 373.

between the privilege at that day to worship in private in the resident's own house and in a public house of worship. Even from the point of view of English law, this decision must be regarded as correct, although there may be room for the argument that the Orders in Council of Charles II in 1673,—in directing that the indictment of London Jews for worshiping in public in their synagogue be nolled, which included directions "that they receive no further trouble in this behalf,"-should have been applied by analogy. It is Judge Daly's view that Gov. Dongan, after receiving his second instructions, may have given this leave for public worship. We have no evidence of this fact, however, and it must be conceded that his instructions were not broad enough to authorize such permission. Mr. Dyer has shown\* that the Jews were known to have had their separate meetings in New York before this, certainly as early as 1682, though there is not yet any evidence of a synagogue. These meetings doubtless continued in some secrecy after the unfavorable decision in 1685, but gradually lost their privacy. It is certain that there was a Jewish synagogue in New York by 1695, for its location in Beaver street is noted on Chaplain Miller's map of that year, while a conveyance on file among the New York City public records, dated October 30, 1700, describes certain property as bounded on the one side "by the house and ground of John Harpending, now commonly known by the name of the Jews' Synagogue," as pointed out by Mr. Dyer.

Probably, to judge by statements of La Motthe Cadillac† made in 1692, there was a synagogue then in existence in New York. The records of the Shearith Israel Congregation in New York City do not carry us back further than 1706, but it is not surprising, in view of the legal situation, that the beginnings of the congregation are enwrapped in obscurity; it had its beginnings, in all probability, as far back as 1654.

<sup>\*</sup>Pub. Am. Jewish Hist. Soc., No. 3, p. 47.

<sup>†</sup> Documents, etc., vol. IX, p. 549.

The other question which we have referred to requires no less serious attention. It was the action of the Mayor and Common Council in the same year, 1685, on a petition addressed by Saul Brown to Gov. Dongan, in which the former complained that he had been interfered with in his trade under an existing municipal regulation, and which the Governor referred to the Council. They declared in answer thereto that no Jew could sell by retail in the city, but might by wholesale, if the Governor thought fit to permit it.\* Judge Daly, in commenting upon this, remarks (p. 25): "There was a previous regulation that none but burghers or freemen could sell by retail, and this was equivalent to holding that no Jew could become a burgher or freeman of the city. The privilege to sell by wholesale, however, must have been conceded to Brown, for he was for many years afterwards a prominent merchant." Examining this declaration more closely, it will be noticed that it merely was to the effect that no Jews could sell by retail; it is simply the inference of the commentator that they could not become burghers or freemen, and this appears to have been in conflict with the actual practice and the fact. It might even be urged that Brown appears to have been a new arrival, so that it is doubtful if he shared the citizen rights, such as they were, of some of his co-religionists residing in the city; in that view of the case the declaration was merely to the effect that persons not burghers or freemen could not sell by retail. Disregarding this construction, however, as probably too limited, we naturally feel inclined to search for such an ordinance prohibiting Jews from engaging in retail trade. I am unable to find any reference to such prohibition in the English period, and deem it likely that resort was had to the concessions obtained by the Jews in the Dutch period which had this limitation. It is probable that a Dutch rather than an English law was here enforced, for the further reason that there

<sup>\*</sup>Dunlop's History, vol. II, App. cxxxiv; Booth's History of N.Y., p. 198; 2 Brodhead's History, p. 426.

seems to be no indication of any such prohibition of retail trading in the history of the Jews in England or in other English colonies.

This decision, then, raises the question whether it was not an error to enforce an old Dutch custom at this period, and furthermore, whether the burgher and other rights acquired by the Jews under Dutch law, continued by the terms of the capitulation and the treaty and also under the colonial enactments, had not superseded the old Dutch enact-From these points of view the decision seems to me to have been erroneous. It should be remembered that this decision probably was largely influential in inducing the New York Jews to engage in foreign trade, for which they were peculiarly well qualified and in which they were so successful. Furthermore, as it was enacted in 1683 that "all that Inhabite up Hudson River were forbid to trade over sea," \* the Jews and all others active in foreign trade in the province were naturally bound to reside at New York City.

This prohibition against retail trade appears to have been gradually dropped, for we find Jews engaged in retail trade in numerous instances in the eighteenth century in New York. In fact, as far as civil as distinguished from political rights were concerned, the Jews in practice appear to have been on a footing of equality with those of other creeds in New York throughout the eighteenth century; it must be admitted, however, that their legal status was not as satisfactory as were the rights practice accorded to them prior to the Revolution.

One instance, however, in which their rights were successfully challenged demands consideration, but this case appears to have been a hasty and incorrect adjudication, as well as markedly exceptional. It is nearly correct to state that after the Restoration the Jews enjoyed substantially full civil rights in England and in New York. In this connection it is

<sup>\*</sup> Documents, etc., vol. III, p. 337.

interesting to observe that William Penn, in a tract published in London in 1686, entitled "A Persuasive to Moderation," advocating toleration for the Quakers, should have used the following language: "And which is closest to our point, at home itself we see that a toleration of the Jews, French and Dutch, in England, all dissenters from the national way; and the connivance that has been in Ireland; and the downright toleration in most of the king's plantations abroad, prove the assertion, 'that toleration is not dangerous to monarchy.' For experience tells us, where it is in any degree admitted, the king's affairs prosper most, people, wealth and strength being sure to follow such indulgence."\*

But to take up the exceptional incident just alluded to. As is well known, the General Assembly of New York, in the course of an election contest for membership, on September 23, 1737, adopted the following resolution: "That it not appearing to this House, that Persons of the Jewish Religion have a Right to be admitted to vote for Parliament Men, in Great Britain, it is the Unanimous Opinion of this House, that they ought not to be admitted to vote for Representatives in this Colony."† If the same test had been applied to other voters it would have been necessary to hold that many other voters should have been barred, for it is well known that in the English colonies there was a much closer approximation to manhood suffrage than prevailed at that time in England. Furthermore, the whole matter was regulated by colonial statutes and special grants, and there was no reason for departing from these to apply English standards instead. As we will find presently, there were a number of Jewish citizens in the colony of New York at this time, when England did not confer similar rights. But this involves a question of political rather than civil status. Much more serious was a decision reached in the same contest the day before

<sup>\*</sup> Select Works of Wm. Penn, in 5 volumes, 3rd ed., London, 1782, vol. IV, p. 338.

<sup>†</sup> Journal of the General Assembly of N. Y. 1691-1743, vol. I, p. 712.

by the same body, to the effect "that it was the Opinion of the House that none of the Jewish Profession could be admitted in Evidence, in the Controversy now depending." There were no special rules of evidence applicable to such controversies, so that it appears to have been virtually held that none of the Jewish profession could be admitted as witnesses. This was wholly erroneous and an instance of flagrant bigotry. It was entirely at variance with the practice in the Dutch period, when Jews repeatedly testified as witnesses, and they did so repeatedly also in practice throughout the English colonial period. In itself, a holding that Jews could not testify was subjecting them to most serious dangers and disabilities. As we have seen, the contrary had been held repeatedly in England, and was recognized by English statute, although a special statute was deemed necessary in the West Indies to vest them with such right. If such right was denied them, none could be certain that the courts would protect him in any of his civil rights. From every point of view this decision was erroneous. It should be remembered that it was reached hastily, apparently without consideration, and at the instance of Smith, an astute and rather unscrupulous colonial lawyer, who had no able antagonist espousing the opposite view to contend with, and apparently without having any one representing the Jewish voters, and familiar with the authorities sustaining their rights, participating. William H. Seward has written about this proceeding: "Yet the record contains one spot which the friends of rational liberty would wish to see effaced. On a question concerning a contested seat, the Assembly resolved that Jews could neither vote for representatives nor be admitted as witnesses."

There is another branch of the subject which for convenience of treatment has been reserved till the end of this paper—the history of naturalization of the Jews in the English colony of New York, and the acquisition of burgher rights by the Jews in said colony. This is a most important

line of inquiry. In those days trade was not free as to-day, and an alien could not settle here and take up any trade or pursuit at once ad libitum. The alien had to acquire some legal status, either by means of letters of denization or the like or by naturalization. As New York was an English colonial dependency, naturalization or denization under English authorization was requisite for certain purposes, particularly under the Navigation Acts. To make these rights, for limited purposes at least, more readily obtainable, denization and naturalization under colonial authority also grew up. But both alien and newly arrived British subject had to acquire burgher rights (rights of freemen) in the city of New York in order to become entitled to engage in certain trades within city limits, and these rights were quite independent of the political right of suffrage, for instance. Let us glance, then, at the history of the Jews in New York in their relation to these burgher rights and to naturalization.

Already in 1665, in Col. Nicoll's grants, it was ordained that "none were to bee esteemed freemen of this city, but who were admitted by the Magistrates aforesaid, and none before such admission (were) to sell by Retayle or Exercise any handicraft, trade or occupacon, and every merchant or shopkeeper was to pay for the publique use of the Citty three pounds twelve shillings, every handy craft's man one pound four shillings on being made free." This was confirmed by Dongan on November 9, 1683.\* 1675-6 it was enacted that "No one shall sell or cause to be sold or put to sale any Goods, wares and Merchandizes by Retaile upon paine to forfeit all such goods etc. unless Freemen or made Free or Burghers of this Citty, and settled housekeepers for the space of one yeare or given security for the same. Unless by speciall License from the Mayor and Aldermen with the approbacon of the Governor."† Again, in the

<sup>\*</sup> Documents, vol. III, p. 337.

<sup>†&</sup>quot;The Burghers of New Amsterdam and the Freemen of N. Y.," N. Y. Hist. Soc. Collections for 1885, p. 40.

Dongan Charter of 1686 it was provided that "none were to be made freemen, but his Majesty's natural born subjects, or such as shall first be naturalized by Act of General Assembly or shall have obtained Letters of Denization from the Lieutenant Governor." It will be noticed that the matter of acquisition of burgher rights or rights of freemen was independent of naturalization. In the book just quoted we find the following Jews enumerated among the freemen, with the year of their acquisition of such rights:

1687 - 8	Jan.	25	ISAAC HENRIQUEZ
	April	27	Simon Bonan
1691	Aug.	17	Joshua David, Sr.
1695	June	5	Joshua David, Jr.
			Moses Levy
1696 - 7	Sept.	17	ISAAC RODRIGUES MARQUES
1698	Aug.	23	JOSEPH ISAACS, Butcher
1705	Dec.	4	ISAAC NAPTHALY, Merchant
1705-6	Feb.	12	Lewis Gomez, "
1708	July	6	ABRAHAM DE LUCENA "
1710-11	Aug.	21	JACOB FRANKS "
1711-12	Nov.	11	Rodrigo Pacheco "
1713-14	June	22	Moses Hart "
1714-15	June	7	Mordechai Gomez "
1715-16	Jan.	10	BARUCH JUDAH "
	Feb.	23	ABRAHAM PEREIRA, Tallow
			Chandler
			JUDAH MORRIS, Merchant
1722 - 3	Aug.	6	ABRAHAM ISAACKS, "
1723-4	May	12	SOLOMON MYERS, Shopkeeper
1725-6	June	7	JACOB HAYS, Merchant
1726	July	19	ABRAHAM RODRIGUES RIVERA,
	,		Merchant
1727	Nov.	21	Daniel Gomez, Merchant
	1691 1695 1696-7 1698 1705 1705-6 1708 1710-11 1711-12 1713-14 1714-15 1715-16	April 1691 Aug. 1695 June  1696-7 Sept. 1698 Aug. 1705 Dec. 1705-6 Feb. 1708 July 1710-11 Aug. 1711-12 Nov. 1713-14 June 1714-15 June 1715-16 Jan. Feb.  1722-3 Aug. 1723-4 May 1725-6 June 1726 July	April 27 1691 Aug. 17 1695 June 5  1696-7 Sept. 17 1698 Aug. 23 1705 Dec. 4 1705-6 Feb. 12 1708 July 6 1710-11 Aug. 21 1711-12 Nov. 11 1713-14 June 22 1714-15 June 7 1715-16 Jan. 10 Feb. 23  1722-3 Aug. 6 1723-4 May 12 1725-6 June 7 1726 July 19

<sup>\*&</sup>quot;The Burghers of New Amsterdam and the Freemen of N. Y.,"
N. Y. Hist. Soc. Collections for 1885, pp. 48-49.

102	Am	erican Jew	ish Historical Society.
114	1730	Oct. 6	SAMUEL MYERS, Shopkeeper
128	1735	Sept. 16	DAVID HAYS, Merchant
129	1735	Dec. 2	JUDAH HAYS, "
135	1737-8	Jan. 10	ABRAHAM MYERS COHEN,
			Shopkeeper
139	1739	July 10	AARON MACHADO, Distiller
142	1740	Nov. 18	ISAAC LEVY, Shopkeeper
143	1741	July 23	Moses Lopez, Merchant
145	1742	Nov. 2	SOLOMON HAYES, "
146	1742 - 3	Feb. 1	Joseph Simson, Shopkeeper
147	1743	June 21	ABRAHAM PINTO, Chandler
148	1743	Oct. 4	LEVY SAMUEL, Merchant
161	1747 - 8	May 4	ISAAC HAYS, Tallow Chandler
164	1748	Nov. 1	SIMON FRANKS, Peruke-maker
169	1750	May 29	ABRAHAM LYON (a Jew), Baker
171	1750	Dec. 20	HAMAN LEVY, Merchant
174	1751	July 16	Moses Benjamin Franks,
			Taylor
177	1752	Nov. 7	Joseph Levy
178	1753	July 17	ABRAHAM SAZADAS, Merchant
183	1755	Sept. 30	Asher Myers, Brazier
186	1757	Jan. 4	,
			and Tobacconist
193	1759	July 3	Manuel Myers, Shopkeeper
			Samuel De Lucena "
213	1766	Oct. 22	Isaac Moses, Cordwainer
216	1768	Aug. 3	,
			Master
			Moses Judah, Merchant
<b>2</b> 25	1769	Feb. 8	,
			BENJAMIN ETTING, Goldsmith
0.00	4 200	Feb 9	,
226	1769	Feb. 28	,
997	1769	Sont 5	MOGES MISSIARI HAVE Wotch

Sept. 5 Moses Michael Hays, Watch-

maker

There are 52 names on this list, 25 covering the period between 1740 and 1769. Comparing the list with that of New York Jews naturalized under the British Act of 1740, who are enumerated in Dr. J. H. Hollander's valuable paper on "The Naturalization of Jews in the American Colonies under the Act of 1740," we find the names of the following on the latter list, not included in the former: June 1, 1740, to June 1, 1741: David Gomez, Jacob Ferro, Solomon Bares, David Huy, Daniel Rodrigues Vinera, Solomon Hart, Jr; 1741: Isaac Nunes Henriques and Abraham De Leas; 1743: Moses Levy, Jew, and 1746, Jacob Rodrigues Revera, Jew, who apparently were not engaged in pursuits requiring them to become freemen.

We have seen that only persons who were natural born subjects, or had become naturalized, or received letters of denization, could become freemen. Much interesting information upon the principles of law applicable to naturalization and denization is contained in Dr. J. H. Hollander's paper on "The Civil Status of the Jews in Maryland, 1634-1776," in No. 2 of our Publications. It must be admitted, however, that certain fundamental principles underlying the relations between England and her colonies, and limiting the powers of the latter, modify in some degree the results there reached.\* At the threshold, the question confronts us whether the Colonial Assemblies had any power to enact local naturalization laws, and whether these were not in any event superseded by the English Act of 1740. In fact, however, neither Parliament by means of special acts of naturaliza-

<sup>\*</sup> Compare the cases of the Post nati, 2 Howard's State Trials, 559-696, and Campbell vs. Hall, 20 How. St. Trials; Naturalization in the American Colonies, by Joseph Willard, Boston, 1859; "Naturalization in the English Colonies of America," by Miss Cora Start, Am. Hist. Assn. Repts. 1893, pp. 317-338; Chalmers' Colonial Opinions; Forsyth's Cases and Opinions on Constitutional Law; Story's Commentaries on the Constitution, vol. I, and "Appeals from Colonial Courts to the King in Council, with especial reference to Rhode Island," by H. D. Hazeltine, Am. Hist. Assn. Rept. 1894, pp. 299-350.

tion, nor the King by means of letters of denization, appear to have removed any disabilities of aliens residing in the American colonies, excepting the West Indies, prior to the enactment of the general law of 1740. Meanwhile, in the various colonies, particularly in New York, general acts of naturalization, special acts, letters of denization from the Governor, and licenses to trade and traffic from him, were secured.

In New York we find that by the capitulation of the city in 1664 all residents were continued as free denizens. 1683 the Colonial Assembly passed a general naturalization act, but it was limited to those professing Christianity.\* 1715 another colonial act was passed which authorized the naturalization of foreign Protestants only, but in another section all persons then alive who had inhabited the colony before Nov. 1, 1683, were to be deemed to have been naturalized; this necessarily included a number of Jews.† the act of 1683 was passed we find the Governors granting letters of denization to a number of Jews, the originals of which letters are still to be found in the state archives at Albany. Some granted to Joseph Bueno, Abraham Desosamendes, and Asher Michells de Paul, in 1683, were rather in the form of licenses to "trade and traffique" in the City of New York than letters of denization, strictly speaking. Similar letters were granted to David Brown in 1684; to Isaack de Costa, July 29, 1686; to Moses Aboab, June 25, 1684. Formal letters of denization were granted by Gov. Dongan to Isaac de Costa in 1686, as also to Joseph Browne. We also find that licenses to trade and traffic in Ulster County were granted to Joseph Brown and to Isaac Gabey in 1686.

The right to grant letters of denization was expressly taken away from the Governor in 1699, although he was very unwilling to give up the privilege, as it had been the source of considerable profit to him.‡ The Governor appears never-

<sup>\*</sup> Daly, p. 24. † 1bidem, p. 49, note. ‡ Doc., vol. IV, pp. 529-1, 600, 686, 757, 845, 887.

theless to have assumed the power even thereafter to grant individual letters, supposed to be valid only for the particular colony.\* In 1723 an act was passed by the colonial legislature naturalizing Abraham Isaacs, David Elias, Jacob Hays, Joseph Simson, Isaac Rodrigues and Solomon Myers, among others. On November 15, 1727, a general act was passed by the New York colonial legislature providing that when the oath of abjuration was to be taken by any one of his Majesty's subjects professing the Jewish religion, the words "upon the true faith of a Christian" might be omitted. Three days later Daniel Nunez da Costa was naturalized by special act. A few years later, in 1740, Parliament passed the well known Naturalization Act of 1740, with its special provisions for Jewish citizens. This act was reprinted in No. 1 of our Publications, and was very fully treated in the paper by Dr. Hollander already referred to, in which the names of Jews naturalized under it are given. On a former occasion I pointed out that the Navigation Act made it unlawful for aliens to engage in foreign trade in the colonies, which provision bore heavily upon the Jews. In a case referred to in this earlier paper,† attention was also called to the fact that the Council for Plantations in 1672 reversed the Jamaica Admiralty Court's decree of forfeiture against Rabba Couty, and held that one who possessed burgher rights in New York. might lawfully trade under the Navigation Act in Jamaica. I

<sup>\*</sup> Doc., vol. VII, p. 469; vol. VIII, p. 564.

<sup>†&</sup>quot;Jewish Activity in our Colonial Commerce," American Hebrew, March 13, 1896.

<sup>‡</sup> In Dr. Herbert Friedenwald's valuable paper on "Material for the History of the Jews in the West Indies," in No. 5 of our *Publications*, many additional data of interest are collected. These include several petitions which show that the Navigation Act was regarded at the time as preventing Jews not endenizened or naturalized, from trading in the colonies, as suggested herein (pp. 49, 63-4, 69-70, 73-76). Of course they also show that the English government was liberal in removing these disabilities by granting letters of denization, etc. Dr. Friedenwald also furnishes all the original documents in the case of Rabba Couty. From these it

This decision is at variance with numerous other authorities and appears not to have been followed after the enactment of the law of 1740. It became the general view that colonial naturalization or denization could not confer any rights outside of the colony, and only partial rights within it. It was doubtless for this reason that Abraham Isaacs. Joseph Simson and Solomon Myers, after having been naturalized by special colonial act in 1723, also secured naturalization in 1740 under the Act of Parliament. some colonies naturalization continued to go on under colonial acts, some of which exacted no such long period of residence, but their validity thereafter is more than doubtful, and we find that royal instructions were issued to the Governors against approving any colonial acts of naturalization in 1773.\* In some colonies, even the Act of 1740 was never regarded as in force.

Thus prior to the Revolution the Jews in New York enjoyed in practice full civil rights; their legal status was less satisfactory, however, and various political rights were withheld from them. By the first Constitution of the State of New York, adopted in 1777, they were put on an absolute equality with all other subjects, that State having been the leader in actually granting full religious liberty.

seems clear that he became a free burgher of New York prior to 1671 (pp. 76-7, 80, 85). As his name does not appear on the list of "The Burghers of New Amsterdam and the Freemen of New York" (supra), we are bound to conclude that this list, contrary to expectations, is not complete. Dr. Friedenwald's statement that "his (Couty's) is probably the first instance of the admission of a Jew to full burgher's rights in New York, and perhaps in the whole of the colonies" (p. 54), is obviously erroneous, as is shown by earlier cases herein referred to. The Couty case is also interesting as showing that the New York Governors granted licenses to traffic in British vessels in the West Indies (pp. 52, 76-7).

<sup>\*</sup> Documents, etc., vol. VIII, p. 402.

# THE OLDEST TOMBSTONE-INSCRIPTIONS OF PHILADELPHIA AND RICHMOND.

By George Alexander Kohut, New York.

Prof. Dr. David Kaufmann, the erudite Jewish historian of Budapest, who has made the inscriptions of almost every ancient Hebrew cemetery in Europe a special study, once wrote, in his introduction to S. Hock's Familien Prags, that there is nothing more important to the future historian than the material collected from the facts and data recorded in the "cities of the dead." Wherever there are grave-yards, said he, copies ought to be made of the inscriptions before time effaces those marks which are of such value to the chronicler.

Recognizing this necessity ere it be too late, the writer copied the inscriptions from the Jewish cemeteries in Charleston, Savannah, Pennsylvania, Richmond and New York, many of which are, however, too fragmentary and obscure to bear publication at present. In submitting to the readers of the Publications these copies of the tombstone-inscriptions in the Jewish cemeteries of Richmond and Philadelphia, we beg to state that owing to typographical reasons the Hebrew portions had to be omitted. The 67 inscriptions here collected are chronologically arranged, and serve to supplement the notes of Mr. Jacob Ezekiel in No. 4 of the Publications, and Mr. Henry S. Morais's work on the Jews of Philadelphia, to both of which sources the reader is referred for further particulars regarding the persons mentioned.

## a) Philadelphia (1753-1848).

1. Beneath this stone are deposited the remains of

NATHAN LEVY

late merchant of this city who departed this life December 23, 1753 aged 49 years & 10 months.

- 2. Henry, Jacob: died 20 March, 1761, aged 32 years. (Bachelor.)
- 3. Gomez, Daniel: died ——, 5540 (28th day of ——, 1780). (Formerly of New York.)
- 4. Gomez, Mattathias: died ———, 5541 (March, 1781). (Formerly of New York.)
- 5. JUDAH, Samuel: died 19 Oct., 1781.
- 6. JUDAH, Jacob-Samuel: died 20 June, 1783 (-----, 5513).
- 7. Marks, Miriam: died 20 Nissan, 5544 (11 April, 1784). Daughter of Henry and Sarah Marks.
- 8. Marks, Sarah: died 18 Sivan, 5544 (7 June, 1784). Mother of above.
- 9. Levy, Abraham: died 7 Aug., 1786.
- 10. Goldsmith, Sarah: died —, 1792.
- 11. Josephson, Manuel: died 30 Feb., 1796, aged 67 years.
- 12. Josephson, Rachel: died 12 Feb., 1797, aged 65 years. Wife of Manuel Josephson.
- 13. Barnett, Nathan: died Ellul, 5557 (1797).
- 14. Lacosta, Rachael Rodriguez: died 15 Jan., 1803, aged 58 years.
- 15. Gratz, Miriam: died 12 Sept., 1808, aged 58 years, 8 months, 22 days. Wife of Michael Gratz.
- 16. Pereyra, Ribeah R.: born in Cadiz, 15 Nissan, 5521 (17 April, 1760); died 27 Kislev, 5570 (December, 1809). Inscription in Spanish.
- 17. Pesoa, Isaac: died 25 Kisley, ——— (3 Dec., 1809).

- 18. JACOBS, Israel: died 27 Adar, 5570 (3 March, 1810), aged 96 years.
- 19. LEVY, Jacob (bar Nachman): died 5 Sivan, 5571 (1811).
- 20. Nathans, Henrietta: died 8 Feb., 1811. Wife of Abr. Nathans, daughter of Isaac Russell of Savannah, Ga.
- 21. Gratz, Michael: died 8 Sept., 1811, aged 74 years.
- 22. Allen, Lewis: died 5 Nov., 1811. Pres't of Congregation Mikvé Israel, aged 49.
- 23. HART, Hyman Marks: died 19 January, 1812.
- 24. Bravo, Jacob M.: died 17 Iyar, 5572 (29 April, 1812). Late of Kingston, Jamaica, aged 55 years.
- 25. Jacob, Isabella: died 10 Oct., 1814. Wife of Nunes Jacob.
- 26. NATHANS, Moses: died Adar Rishon, 5575 (24 Feb., 1815), aged 68 years.
- 27. HYNEMAN, Elias: died 11 July, 1815, aged 80 years.
- 28. Cohen, Rebecca (widow): died 1 Heshvan, 5575 (10 Oct., 1815), aged 71 years.
- 29. Rodriguez, Isaac: died 16 Heshvan, 5575 (7 Nov., 1815).
- 30. ISRAEL, Rabbi Eleazar Joseph: died 5577 (1817). Scribe of Amsterdam, Holland.
- 31. ISRAEL, Isaac Eleazar: died 5577 (1817).
- 32. Gratz, Sarah: died 20 Feb., 1817, aged 36 years and 7 months.
- 33. Carvalho, Rev. Emanuel Nunes: died March 20th, 1817.
- 34. ISRAEL, Rebecca E.: died 28 July, 1818 (24 Tammuz, 5578). Wife of Ezekiel Jacob Ezekiel.
- 35. Derkheim, Myer: died 2 Aug., 1818, aged 70 years. P. T. H. M. [Peace to his memory!]
- 36. Stork, Bella: died 1819. Wife of Hartog Stork.
- 37. Marx, Henrietta: died 1 Aug., 1819, aged 73 years.
- 38. Phillips, Henry L.: died 9 April, 1820.
- 39. HART, Abraham: died 12 Aug., 1820.
- 40. Bensaken [=? בן זקן, Samuel: died ——, 5582 (1821). A native of Great Britain.

- 41. COHEN, Rachel L.: died 6 Heshvan, 5582 (1 Nov., 1821). Wife of Jacob I. Cohen.
- 42. Gratz, Rachel: born 25 June, 1783; died 29 Sept., 1823. Wife of Solomon Moses.
- 43. COHEN, Jacob I.: died —, 5584 (1824).
- 44. Andrews, Joseph: died 9 Heshvan, 5585 (31 October, 1824).
- 45. King, Isaac: died 15 Heshvan, 5585 (6 Nov., 1824).
- 46. LANG, Fannie: died 15 Nissan, 5585 (15 April, 1825).
- 47. Marks, Hyman: died 22 Heshvan, 5585 (5 Nov., 1825).
- 48. Derkheim, Sarah: died 9 Sept., 1825, aged 71 years.
- 49. HAYS, Miriam Gratz: born 4 July, 1798; died 3 July, 1826.
- 50. Keys, Rev. Abr. Israel: died 18 October, 1828 (12 Heshvan, 5589). Reader of מקוח ישראל
- 51. EZEKIEL, Ezekiel Jacob: died 4 Jan., 1831 (19 Tebeth, 5591).
- 52. PHILLIPS, Rebecca: born in New York, 17 Nov., 1746; died in Philadelphia, 21 June, 1831. Daughter of Rev. David Mendez Machado and relict of Jonas Phillips.
- 53. Levy, Sarah: died 5 Sivan, 5592 (1832).
- 54. Cohen, Michael E.: died Dec. 15, 1835.
- 55. Phillips, Zalegman: born 28 June, 1779; died 11 Ellul, 5599 (21 Aug., 1839).
- 56. Etting, Reuben; born in York, Pa., 6 June, 1762: died in Philadelphia, 3 June, 1848.
- 57. Basan, Jacob. (Undecipherable.)
- 58. JACOBS, John. (Undecipherable.)

## b) RICHMOND (1796-1824).

1. Sacred | to the Memory of | Mrs. Judith, wife of Jacob Mordeccai, | who was summoned hence, to receive the | recompense of the Good, | on the 9th of January, 1796 | aged 33 years.

- 2. Sacred | to the Memory of | Catarine Jacobs | who departed this life March 25, 1815 | aged 83 years.
- 3. Sacred | to the Memory of Lazarus Joseph, | a native of Germany, and long a resident in this city, | died on the 22nd November, 1817 | aged 54 years. | This Tablet is inscribed to his memory by | a disconsolate widow whom he loved | and by sons who know his | Parental Worth.
- 4. In Memory of | Abigail Judah | who was born November 17, 1742 | and departed this life on the 11th of Elul, 5579 | corresponding with the 1st of September, 1819. | May her soul repose in Peace. | Amen.
- 5. Here lie the Remains of | Benjamin Wolfe | who departed this life | on the 2nd day of January, 1818 | aged 50 years. | This small tribute is inscribed | to his memory by his disconsolate widow.
- 6. Ella Marx | Daughter of | Joseph Marx | died March, 1819 | aged 5 years.
- 7. Here repose | the Mortal Remains of | Mrs. Frances Marx, | Widow of Dr. M. J. Marx, of Hanover, in Germany. | After an | Irreproachable and Useful Life | she was called | to the Abode of the Blessed | (July 8th, 1819) at the age of 69 years.
- 8. In Memory of | Jacob King | who departed this life | October 22nd, 1824 | Aged 50 years.
- 9. In | Memory of | Mrs. Joyce Myers | who departed this life | 23rd Tamus [sic] 5584 | 19th July, 1824 | aged 87 years.



## A LITERARY AUTOBIOGRAPHY OF MORDECAI MANUEL NOAH.

#### WITH AN INTRODUCTION,

By George Alexander Kohut, New York.

Strangely enough, none of the biographers of this eminent Jew and patriot had any knowledge of the existence of the only autobiographical sketch ever published in reference to his literary and dramatic activity. While the accounts lately given in the second edition of Judge Daly's Settlement of the Jews in North America (New York, 1893) and in the Hon. Simon Wolf's pamphlet, Mordecai Manuel Noah: a Biographical Sketch (Philadelphia, 1897, 49 pp.) are sufficiently complete and highly interesting, still in many respects the subjoined letter, written just 65 years ago, is a welcome contribution to the history of Noah's eventful career as playwright and dramatist. The letter is taken from William Dunlap's A History of the American Theatre (New York, 1832), pp. 380-384, a work not unimportant for American history. Beside Noah's letter this work contains several references to Jews which we mention in passing.

On page 45 we read: "On the east side [of] the city.... at a small distance from the shore, by a steep bank on which was walled in a cemetery, called the Jews' burying ground." This cemetery is spoken of in the context in the year 1776.\*

Mention is made, on p. 128, of Mr. and Mrs. Solomon, probably Jews, who are spoken of as "the first profes-

<sup>\*</sup>See the deed in reference to the Jewish Cemetery in New York, published in *Menorah Monthly*, vol. XIII, No. 1, July, 1892, and the account of "Very Ancient Jewish Graves" in the *New York Herald* of August 11, 1895, where M. M. Noah's tombstone is photographed and described.

sional actors who performed plays in Boston." One of the plays produced by them bears the name of "Douglas and the poor soldier." It was put on the stage on September 26, 1792.

In an appendix to Dunlap's book is given a "Catalogue of American plays and their authors," from which (pp. 409–10) we extract the following:

Harby, Isaac.—Alberti; tragedy, in five acts, acted in Charleston, 1818. The Gordian Knot; a tragedy. The author of this tragedy died in New York much regretted.

Judah, Samuel B.—A Tale of Lexington; acted in New York. The Mountain Torrent; acted in New York. The Rose of Arragon. Odofriede.

Noah, M. M.—The Fortress of Sorrento. The Grecian Captive. The Grand Canal. Marion, or the Hero of Lake George. O Yes, or the New Constitution. She would be a Soldier. The Siege of Yorktown.\* Paul and Alexis. Yesef Caramatti. All acted with great success.

Phillips, J. D.—The Female Spy; acted in New York, 1828. Paul Clifford. Beauty and Booty.

Whether the last named is a Jew is doubtful.

How Mr. Noah came to write this autobiography we learn from the author's introductory lines on p. 375, which run as follows:

"In answer to queries made by us we have received two letters from two distinguished dramatists,† written with such frankness, and in a style so congenial to the feelings intended to be expressed in this work, that we know no mode of communicating the information they contain that

<sup>\*&</sup>quot;The Siege of Yorktown" is not given in the list enumerated by Mr. Noah himself, but the "Siege of Tripoli" is there mentioned. See below, and Wolf's sketch, p. 19. Are the two plays identical?

<sup>†</sup>The other is James N. Barker, Esq., of Philadelphia, whose letter is published on pp. 376-380.

will be so acceptable to the reader as by giving them in the words of the writers.

"The plays of these gentlemen are an honour to the dramatic literature of the country, and we feel that the brief and pleasant sketch given by the authors will induce those who have not before met with such as are published, to lose no time in becoming acquainted with them by perusal.

"Both these dramatists are honourably employed in the civil service of their country, and we hope will be protected in the evening of life from those ills which some of their brethren have to encounter, who have not taken the tide of fortune at its flood, or, perhaps, merited public confidence.

"Mr. Noah's answer to our inquiries bears the same character with that received from Mr. Barker, and we insert it without alterations, for the reason assigned in respect to the letter of his brother dramatist" (p. 380).

The letter itself forms very interesting reading, besides being an important contribution to the history of the American stage.

M. M. NOAH'S LETTER.

" To William Dunlap, Esq.

"New-York, July 11th, 1832.

"DEAR SIR,

"I am happy to hear that your work on the American Drama is in press, and trust that you may realize from it that harvest of fame and money to which your untiring industry and diversified labours give you an eminent claim. You desire me to furnish you a list of my dramatic productions; it will, my dear sir, constitute a sorry link in the chain of American writers—my plays, have all been ad captandum: a kind of amateur performance, with no claim to the character of a settled, regular, or domiciliated writer for the greenroom—a sort of volunteer supernumerary—a dramatic writer by 'particular desire, and for this night

only,' as they say in the bills of the play; my 'line,' as you well know, has been in the more rugged paths of politics, a line in which there is more fact than poetry, more feeling than fiction; in which, to be sure, there are 'exits and entrances'—where the 'prompter's whistle' is constantly heard in the voice of the people; but which, in our popular government, almost disqualifies us for the more soft and agreeable translation to the lofty conceptions of tragedy, the pure diction of genteel comedy, or the wit, gayety, and humour of broad farce.

"I had an early hankering for the national drama, a kind of juvenile patriotism, which burst forth, for the first time, in a few sorry doggrels in the form of a prologue to a play, which a Thespian company, of which I was a member, produced in the South-street theatre—the old American theatre in Philadelphia. The idea was probably suggested by the sign of the Federal Convention at the tavern opposite the theatre. You, no doubt, remember the picture and the motto: an excellent piece of painting of the kind, representing a group of venerable personages engaged in public discussions, with the following distich:

'These thirty-eight great men have signed a powerful deed, That better times, to us, shall very soon succeed.'

"The sign must have been painted soon after the adoption of the federal constitution, and I remember to have stood many a time and oft, gazing, when a boy, at the assembled patriots, particularly the venerable head and spectacles of Dr. Franklin, always in conspicuous relief. In our Thespian corps, the honour of cutting the plays, substituting new passages, casting parts, and writing couplets at the exits, was divided between myself and a fellow of infinite wit and humour, by the name of Helmbold; who subsequently became the editor of a scandalous little paper, called the Tickler: he was a rare rascal, perpetrated all kind of calumnies, was constantly mulcted in fines, sometimes imprisoned,

was full of faults, which were forgotten in his conversational qualities and dry sallies of genuine wit, particularly his Dutch stories. After years of singular vicissitudes, Helmbold joined the army as a common soldier, fought bravely during the late war, obtained a commission, and died. Our little company soon dwindled away; the expenses were too heavy for our pockets; our writings and performances were sufficiently wretched, but as the audience was admitted without cost, they were too polite to express any disapprobation. We recorded all our doings in a little weekly paper, published, I believe, by Jemmy Riddle, at the corner of Chestnut and Third street, opposite the tavern kept by that sturdy old democrat, Israel Israel.

"From a boy, I was a regular attendant at the Chestnut street theatre, during the management of Wignell and Reinagle, and made great efforts to compass the purchase of a season ticket, which I obtained generally of the treasurer, George Davis, for \$18. Our habits through life are frequently governed and directed by our early steps. I seldom missed a night; and always retired to bed, after witnessing a good play, gratified and improved; and thus, probably, escaped the haunts of taverns, and the pursuits of depraved pleasures, which too frequently allure and destroy our young men; hence I was always the firm friend of the drama, and had an undoubted right to oppose my example through life to the horror and hostility expressed by sectarians to plays and playhouses generally. Independent of several of your plays which had obtained possession of the stage, and were duly incorporated in the legitimate drama, the first call to support the productions of a fellow-townsman, was, I think. Barker's opera of the "Indian Princess." Charles Ingersoll had previously written a tragedy, a very able production for a very young man, which was supported by all the 'good society'; but Barker, who was 'one of us,' an amiable and intelligent young fellow, who owed nothing to hereditary rank, though his father was a whig, and a soldier of the

revolution, was in reality a fine spirited poet, a patriotic ode writer, and finally a gallant soldier of the late war. The managers gave Barker an excellent chance with all his plays, and he had merit and popularity to give them in return full houses.

"About this time, I ventured to attempt a little melodrame, under the title of the Fortress of Sorrento, which, not having money enough to pay for printing, nor sufficient influence to have acted, I thrust the manuscript in my pocket, and having occasion to visit New York, I called in at David Longworth's Dramatic Repository one day, spoke of the little piece, and struck a bargain with him, by giving him the manuscript in return for a copy of every play he had published, which at once furnished me with a tolerably large dramatic collection. I believe the play never was performed, and I was almost ashamed to own it; but it was my first regular attempt at dramatic composition.

"In the year 1812, while in Charleston, S. C., Mr. Young requested me to write a piece for his wife's benefit. You remember her, no doubt; remarkable as she was for her personal beauty and amiable deportment, it would have been very ungallant to have refused, particularly as he requested that it should be a 'breeches part,' to use a greenroom term, though she was equally attractive in every char-Poor Mrs. Young! she died last year in Philadelphia. When she first arrived in New York, from London, it was difficult to conceive a more perfect beauty; her complexion was of dazzling whiteness, her golden hair and ruddy complexion, figure somewhat embonpoint, and graceful carriage, made her a great favorite. I soon produced the little piece, which was called Paul and Alexis, or the Orphans of the Rhine. I was, at that period, a very active politician, and my political opponents did me the honour to go to the theatre the night it was performed, for the purpose of hissing it, which was not attempted until the curtain fell, and the piece was successful. After three years' absence in Europe and Africa, I saw the same piece performed at the Park, under the title of the Wandering Boys, which even now holds possession of the stage. It seems Mr. Young sent the manuscript to London, where the title was changed, and the bantling cut up, altered, and considerably improved.

"About this time, John Miller, the American bookseller in London, paid us a visit. Among the passengers in the same ship was a fine English girl of great talent and promise, Miss Leesugg, afterwards Mrs. Hackett. She was engaged at the Park as a singer, and Phillips, who was here about the same period fulfilling a most successful engagement, was decided and unqualified in his admiration of her talent. Every one took an interest in her success; she was gay, kind hearted, and popular, always in excellent spirits, and always perfect. Anxious for her success, I ventured to write a play for her benefit, and in three days finished the patriotic piece of She would be a Soldier, or the Battle of Chippewa, which, I was happy to find, produced her an excellent house. Mrs. Hackett retired from the stage after her marriage, and lost six or seven years of profitable and unrivalled engagement.

"After this play, I became in a manner domiciliated in the greenroom. My friends, Price and Simpson, who had always been exceedingly kind and liberal, allowed me to stray about the premises like one of the family, and always anxious for their success, I ventured upon another attempt for a holiday occasion, and produced Marion, or the Hero of Lake George. It was played on the 25th of November-Evacuation day, and I bustled about among my military friends, to raise a party in support of a military play, and what with generals, staff-officers, rank and file, the Park theatre was so crammed, that not a word of the play was heard, which was a very fortunate affair for the author. The managers presented me with a pair of handsome silver pitchers, which I still retain as a memento of their good will and friendly consideration. You must bear in mind that while I was thus employed in occasional attempts at playwriting, I was engaged in editing a daily journal, and in all the fierce contests of political strife; I had, therefore, but little time to devote to all that study and reflection so essential to the success of dramatic composition.

"My next piece, I believe, was written for the benefit of a relative and friend, who wanted something to bring a house; and as the struggle for liberty in Greece was at that period the prevailing excitement, I finished the melodrama of the Grecian Captive, which was brought out with all the advantages of good scenery and music. As a 'good house' was of more consequence to the actor than fame to the author, it was resolved that the hero of the piece should make his appearance on an elephant, and the heroine on a camel, which were procured from a neighbouring menagerie, and the tout ensemble was sufficiently imposing, only it happened that the huge elephant, in shaking his skin, so rocked the castle on his back, that the Grecian general nearly lost his balance, and was in imminent danger of coming down from his 'high estate,' to the infinite merriment of the audience. On this occasion, to use another significant phrase, a 'gag' was hit upon of a new character altogether. The play was printed, and each auditor was presented with a copy gratis, as he entered the house. Figure to yourself a thousand people in a theatre, each with a book of the play in hand-imagine the turning over a thousand leaves simultaneously, the buzz and fluttering it produced, and you will readily believe that the actors entirely forgot their parts, and even the equanimity of the elephant and camel were essentially disturbed.

"My last appearance as a dramatic writer was in another national piece, called the Siege of Tripoli, which the managers persuaded me to bring out for my own benefit, being my first attempt to derive any profit from dramatic efforts. The piece was elegantly got up—the house crowded with beauty and fashion—every thing went off in the happiest manner; when a short time after the audience had retired, the Park

theatre was discovered to be on fire, and in a short time was a heap of ruins. This conflagration burnt out all my dramatic fire and energy, since which I have been, as you well know, peaceably employed in settling the affairs of the nation, and mildly engaged in the political differences and disagreements which are so fruitful in our great state.

"I still, however, retain a warm interest for the success of the drama, and all who are entitled to success engaged in sustaining it, and to none greater than to yourself, who has done more, in actual labour and successful efforts, than any man in America. That you may realize all you have promised yourself, and all that you are richly entitled to, is the sincere wish of

"Dear sir.

"Your friend and servant, "M. M. NOAH."

"Wm. Dunlap, Esq.



### THE CONGREGATION SHEARITH ISRAEL.

### AN HISTORICAL REVIEW.

By N. TAYLOR PHILLIPS, LL.B., New York City.

The 12th of September, 1860, was selected as the date for the consecration of the synagogue in Nineteenth Street, New York City, for the reason that for many years it was supposed to have been the date in the year 1654 that the Jews first trod the soil of the present United States, as on that day the bark "Catarina," commanded by Jacques de la Motthe, landed twenty-seven refugees from Portuguese persecution in Brazil (Cape St. Anthony). Their baggage was sold to pay their passage money, and this proving insufficient, two of them, David Israel and Moses Ambrosius, were held in custody for the balance. The American Jewish Historical Society, which for the past few years has been bringing to light data on the sources of American Jewish history, has not only established that Jews were in Maryland years before that time, but that there were also previously thereto Jews in the city of New Amsterdam itself. These were merchants in business under quasi agreements with the directors of the West India Company. A flood of light is thrown on the supposed first arrival by a letter written at New Amsterdam in the year (March 18th) 1655, by the Rev. Johannus Megapolensis. It is now in the archives of the General Synod of the Reformed Church in America. In it he states that Jews came from Holland last summer to trade. Later a few came upon the same ship with Dominie Polheymius (who came from Brazil in 1654 where he had been minister). He also says that those last mentioned (who are also referred to above) were very poor

and that his church had to help them for the reason that their own people, the Jewish merchants, would only lend them a few stivers. We also know that in 1656 Asser Levy applied to the Court of Burgomasters and Schepens to admit him to citizenship and showed a certificate that he had been a burgher in Amsterdam. This citizenship was granted in 1657, so that it is plain from these facts that the long supposed first comers found Jews here on their arrival who had been well-to-do merchants in Holland. It will thus be observed that at the present time the precise year of the advent of the Jews in New Amsterdam is shrouded in mystery, but we know that it was prior to the date hitherto accepted.

It is well known that the Dutch Governors fought hard to suppress all religions but that of the Reformed Church, while the Dutch West India Company, depending as it did on the financial support of persons of several religions, among them the Jews, as earnestly endeavored to place them on an equality. We learn from a letter addressed to Governor Stuyvesant, dated September 25th, 1655, by the directors of the West India Company that the right to have a regular synagogue was not allowed to the Jews. Nor is there any reason at the present time to believe that this order was modified during the Dutch rule, which terminated in 1664, save for the single year from 1663 to 1664, and the presumption is strong that in the nine years above alluded to the same conditions obtained. It may almost be said to be settled definitely that this congregation met in a public place of worship, established in a fixed location, no earlier than 1673, under the administration of Governor Colve. We know positively that in 1682 the congregation was meeting in a house rented from John Harpording on Mill, now South William, Street, with services regularly maintained. This is gathered from a letter written by the Rev. Henricus Selyns to the Classis of Amsterdam in October, 1682, which is in the possession of the General Synod of

the Reformed Church in America, and places this congregation ahead of Trinity Church, and fourth (if not third) among the churches of New York City. En passant it may be proper to state that Rev. Dr. Selyns was the man who, in great measure, preserved the records of his time for the benefit of his church, and it seems appropriate enough that this organization has recently celebrated the 200th anniversary of the granting of its charter when Rev. Selvns was its pastor. With the number of Jews known to have been in this city between 1650 and 1675, it seems certain that services were maintained privately at the several homes of the members of the community during this period. The application for a cemetery which was refused in July, 1655, but granted on the 14th of July, 1656, seems to confirm this view. It may not be too much to urge that with the granting of this piece of ground which adjoined another parcel of fifty-two feet purchased by Joseph Bueno,\* the Congregation Shearith Israel entered upon its career as an institution organized for the worship of the Almighty, according to the creed of Israel, and that the year 1656 may be reasonably settled as the beginning of its communal existence.

It is worthy of note that it was from a member of this congregation, Asser Levy, that the Lutherans, the second church established in New York (1657), borrowed the money to erect their first building "outside the city gate, because ground was cheap there," near Broadway and Pine Street, in 1671. This congregation is therefore bone of the city's bone and flesh of the very flesh of even the present church organizations of alien faith in existence at the present time, for again in 1711 we find some of the members among those who contributed to the completion of Trinity Church, and

<sup>\*</sup>This prominent Jew is believed to have been of the family Bueno de Mesquita. He bought it from William and Mary (or Margery) Merritt in 1681. It was enlarged, December 17th, 1729, by a purchase from Roy Willey, of London, for £30. It is still held by the congregation.

also in 1682 attending divine worship at the Reformed Church, probably out of respect for its pastor.

Of the first minister, Saul Brown,\* we know he was a merchant of standing who came to New York from Newport, and that he officiated in the synagogue regularly, being the first one to do so. As he died in the year 1682, the suggestion heretofore made that the congregation met for worship (probably in the homes of the members) prior to that time seems to be confirmed. The second, Rev. Abraham Haim de Lucena, was a relative, believed to be a son of Abraham de Lucena. The latter was a man prominent in mercantile life, who arrived in the city of New Amsterdam in 1655. Possessing attainments, he immediately became conspicuous, not only among his people as one ever ready to ably advocate their cause, but also as a factor in the business community. He was among those who secured the cemetery in 1656, various other rights and privileges for his brethren, which it is not necessary to particularize here, and died about the year 1670. Rev. Abraham Haim de Lucena, the second minister, was also a prominent merchant, but subsequently relinquished that occupation and devoted himself exclusively to the duties of his holy calling, and died about the year 1720.

Of the third, Benjamin Wolf, we know little save that he ruled the spiritual welfare of the congregation for not more than half a dozen years after the death of de Lucena, and that he was a learned man and distinguished by the title of "Rabbi." With the advent of his successor, Rev. Moses Lopez de Fonseca, we are brought to the relinquishing of the frame dwelling rented from Harpording, and the erection of the synagogue one hundred feet to the west of that house, on land purchased from Cornelius Clopper, December 19th, 1728. This was forty feet front on the north side of Mill Street, forty feet in rear, one hundred and ten feet on the west side and ninety three feet on the

<sup>\*</sup>Saul Brown's real name was Morenu, which is Spanish for Brown.

east side. It was subsequently enlarged in 1758 (when a minister's house was bought from Cornelius Clopper, Jr.). A committee consisting of Bernard Hart and Sampson Simson was appointed, 16th March, 1806, for the purpose of purchasing additional land; the negotiations were concluded on July 3rd, 1806. The congregation then bought forty-six feet to the east to Peter Goelet's warehouse and to the north to the old line of Princess Street in the middle of present Beaver Street, for the sum of \$250. The size of the synagogue was 36x58 feet. The site of Harpording's house which was given up was subsequently the residence of Rev. Louis Row, of the Huguenot Church, and Harpording, himself a shoemaker, was the man who gave the "Shoemaker's pasture" to the Collegiate Reformed Dutch Church, one of the sources of its present great wealth.

At a meeting of the congregation on 15th Heshvan, 1728, Mr. Lewis Gomez, Parnas (President), it resolved to buy the ground and erect the synagogue, and from that day the work was actively prosecuted until the consecration on the eve of the 7th day of Passover, 1730. The names of those who engaged in the work are known: the minister de Fonseca, Lewis Gomez and his sons Mordecai, Daniel, David and Moses;\* Jacob Franks, Benjamin Mendez Pacheco, Isaac de Medina, Rodrigo Pacheco, Abraham Isaacs, Nathan Levy, Jacob Hays, Daniel Mendez de Costa, Joseph Nunez and Baruch Judah. The splendid aid the women gave to the erection of the sacred edifice is not forgotten: Mrs. Bilhah Abigail, wife of Jacob Franks, Simha de Torres, Rachel Luiza, Mrs. Judith Mendez Pacheco, Mrs. Hayah Hannah Michaels, Miriam Lopez de Fonseca-all rendered valuable assistance, and to this day the congregation evinces its gratitude to them in a special Escaba, (prayer for the dead).

After the consecration of the synagogue communal affairs rested, the congregation did not receive very numerous

<sup>\*</sup>Moses Gomez was president when it was consecrated. Lewis Gomez died in that year.

additions to its membership, but it had in the Gomez and other wealthy families ready helping hands, and it grew in dignity and importance. Rev. Mr. de Fonseca was succeeded in 1734 by Rev. David Mendez Machado, who with his father-in-law, Dr. Samuel Nunez, arrived in Savannah, Georgia, from Lisbon, Portugal, via England, in the summer of 1733. His brother Aaron was made a freeman in the city of New York in 1739,\* and some of his wife's family subsequently removed to New York. Several mementos of his ministry are in the possession of his descendants, members of the congregation at this time. He officiated until his death in 1753 and was succeeded by Benjamin Pereira Mendez, more commonly known as Benjamin Pereira, who was a merchant in New York, but relinquished business to become the successor of Machado, and died in 1759. The only matter of importance which had happened not above mentioned was the purchase in 1727 of two lots together, 50x112 feet, on the east side of Gold Street between Ferry and Beekman streets, for an additional cemetery. Owing to the subsequent purchase for the same object from Roy Willey of a parcel adjoining the old ground they were never used, but sold about the year 1752. They cost £46, 13 shillings.

The name of the successor of Rev. Benjamin Pereira Mendez has become familiar to the congregation as the man who fixed the times for the performance of the holy services, shortly after his accession to the ministry in 1759. He also prepared a fixed table of time to commence the Sabbath, which until then had been left to the will of the individual, and also the times for beginning the services in the synagogue on Sabbaths, festivals and fasts, which had been in the discretion of the ministers. This arrangement has now prevailed over 137 years and has been a monument to the Rev. Joseph Jessurun Pinto. He was a young man when

<sup>\*</sup> Valentine's History of the City of New York, 1853.

he became minister, but was of an old and wealthy Portuguese family which had then been in New York over three decades and greatly respected. He was thoroughly versed in the Spanish and Portuguese languages, although he is believed to have been born in New York City, and was deeply learned in the law. In many ways he has left his memorial in the congregation, and his demise in the year 1766 in his prime (and the seventh of his ministry) was a a source of profound regret. He had married in 1762 Rebecca, daughter of Moses de la Torré, of London. was a son of Isaac Pinto, and in the archives of the Pennsylvania Historical Society may be seen a copy of a prayer delivered by him on the occasion of the special service held in the synagogue in New York, October 23rd, 1760, in conformity with the proclamation for a general thanksgiving for the acquisition of Canada by Great Britain.

We now approach the beginning of one of the most important epochs in the congregation's history. With the year 1766 was commenced the ministry of the Rev. Gershom Mendez Seixas, which covered half a century and witnessed many exciting events. He was born in the city of New York, 1745. He was the son of Isaac Mendez Seixas, a native of Lisbon, Portugal, who arrived in New York about the year 1730, but who after many years of mercantile life removed to Newport, R. I. His mother was Rachel, daughter of Moses Levy.\* He died in 1728 and was buried in the cemetery on Chatham Square, in New York.

Rev. Gershom Seixas was a man of great learning, as, in fact, were nearly all his predecessors. He was above all a devoted patriot, and under his influence the congregation, though sharply divided on the lines of Tory and Patriot, resolved in August, 1776, to close the synagogue upon the approach of the British to New York, rather than continue it under their protection and auspices. The members of the

<sup>\*</sup>Born in New York, 1710.

congregation, who had rendered themselves obnoxious to the Crown by publicly espousing the side of liberty, went mostly to Philadelphia, while some of their brethren remained in New York. No serious effort, however, was made to re-open the synagogue with any regularity until about the time of the declaration of peace. Nor, in fact, would it have been feasible even were they so minded, for under the direction of Rev. Mr. Seixas the building had been stripped of everything that could be carried away. The essentials to constitute a synagogue were missing, and it seems likely that, having gained his point in closing it, he was determined that none of the fruits of victory should be snatched from the patriots. Mr. Lyon Jonas, a furrier in Broad Street, and a leader of the Tory party, had the building opened from time to time and acted as Parnas (president), but these occasions were few and generally of a special character.

Rev. Mr. Seixas officiated as minister of the congregation Mickvé Israel, in Philadelphia, from 1780 to the end of the hostilities, when he returned to New York, March 23rd, 1784. Rev. Jacob Raphael Cohen and Rev. Emanuel Nunez Carvalho had been acting as ministers for a short time prior to this. The congregation quickly recovered itself, and on April 6th, 1784, the Legislature of the State of New York, having enacted a law permitting all religious organizations to become bodies corporate under a General Act, the congregation immediately availed itself of this privilege and called a meeting to elect trustees, May 12th, 1784, adjourned to May 19th, 1784, adjourned to May 24th, 1784, when they proceeded to elect trustees thereunder as follows: Myer Myers, Hayman Levy, Solomon Simson, Isaac Moses, Solomon Myers Cohen, Benjamin Mendez Seixas, Myer Myers, Chairman; Alexander Zuntz, Treasurer; Sol. Myers Cohen, First Clerk of the Congregation, after it had been declined by Isaac Pinto and Benjamin S. Judah. The following electors voted: Abraham I. Abrahams, Myer Myers, Solo-



GERSHOM MENDES SEIXAS, 1747-1816.



mon Simson, Hayman Levy, Alexander Zuntz, Levy Cohen, Joseph Pinto, Abraham I. Levy, Samuel Israel, Lyon Hart, Solomon M. Cohen, Benjamin Seixas, Manuel Noah, Benjamin Jacobs, Benjamin Judah, Michael Hays, Moses Israel, Joshua Isaacs, Jacob Mordecai, Isaac Moses, Moses A. Meyers, Baruch Judah and Isaac Judah. The first business transacted by the board after the adoption of certain rules of order, was on Tamuz 22nd, 1784, regarding the purchase from Isaac Roosevelt of two lots of ground next to the cemetery on Chatham Square, which was concluded in the same month for £80. Michael Hays was the Sexton in 1784. In the year 1797 the seal of the corporation was designed, and on June 24th, 1805, the Constitution of the congregation was adopted and a new charter of incorporation filed. This constitution is so strongly drawn that no change or alteration has been effected in it in nearly a century, notwithstanding many efforts, excepting in the year 1836, when some amendments were made by unanimous consent in order to conform with certain wholesome provisions of law passed by the Legislature.

In 1802 the Hebra Hased Vé Amet, now one of the oldest Jewish charitable societies in the United States, was organized by the members of the congregation, but not its first society, for in 1731 the society "Mezion teza Torah," for the object of perpetuating the old ritual, was established, while the Hebra Gemilut Hasadim, for burying the dead, etc., was organized about the year 1785. In 1801 Myer Polonies died and bequeathed to the congregation the sum of \$900 for the founding of a free school, which legacy was received by the trustees in January, 1803, and the same, enlarged by subsequent benefactions, is now giving religious instruction to about one hundred and fifty children annually, free of all charge and without regard to congregational affiliation.

About this time the old cemetery in Oliver Street (Chatham Square) began to display indications of filling rapidly

and a piece of ground was purchased on Milligan Street, Greenwich, from John Agnew, fifty feet front and rear by one hundred feet in depth, for \$376, on May 12th, 1804. Eleventh Street was subsequently laid out through Milligan Street in 1829. Wolfe Polock was the first person buried there, and that was on the day it was consecrated, 28th Adar R., 1805. The ceremony of dedication was performed by Aaron Levy, president; Naphtali Phillips and Naphtali Judah, trustees. At first it was only used for strangers and as a general overflow ground. In 1822, owing to the yellow fever plague, the Common Council prohibited interments below Canal Street, and the Eleventh Street ground became the regular burial-place of the congregation, but not for long, for, as has been stated, when Eleventh Street was opened it went directly through it, and the bodies were removed to that portion which may now be seen and which was bought from the city, November 2nd, 1830, for \$759.72. The commissioners had condemned too much property for opening Eleventh Street and sold that portion to the congregation. On July 2nd, 1816, Rev. Gershom Seixas died, much lamented as a man who stood high in the esteem of the citizens of this city without regard to creed. He had been a trustee of Columbia College from 1787 to 1815, when he resigned, the only Hebrew who has ever held that position. always a participant and representative of the congregation in all public functions, not the least being his presence officially in the ceremonies attending the inauguration of President Washington in New York in 1789. His loss was a severe one to the congregation, and special memorial services were held for him in the synagogue. He was succeeded by Rev. Moses Levi Maduro Peixotto, a native of Amsterdam, Holland, who had arrived in New York from Curacoa (K. K. Mickvé Israel), a married man, on July 11th, 1807. was a merchant in Front Street when he became acting minister, and so continued until 1820, when he was regularly elected by the congregation and gave up business. He

resided at one time in Cedar Street near Greenwich, and also at 105 Greenwich, until he removed to the house next to the synagogue, regularly occupied by the minister. He declined to accept compensation for his services, and during his ministry regularly paid over his salary to the widow of Rev. Gershom Mendez Seixas, his predecessor.

The old synagogue was demolished 1817, the congregation worshiping in a room in an engine house on Beaver Street, west of Broad, until the new synagogue which was erected on the same site was finished. It was in size 33x58 feet, and was consecrated on the eve of Shabbat Haggadol (the Great Sabbath) 1818, with an elaborate ceremonial. An original poem in Hebrew, by Rabbi Dob Peke, the principal of the Polonies Talmud Torah School, attached to the congregation, was read upon that occasion, and an address delivered by Major Mordecai M. Noah. In 1822 the yellow fever prevailed as a plague in the city below Chambers Street. This was designated as the "infected district," and every one that could moved above that street. The congregation rented a school-house, corner of Oliver and Henry streets, and worshiped there until the plague subsided. In 1823 the congregation sold an unused portion of the cemetery on Chatham Square (the part fronting on that street, 45x88 feet) to the Tradesmen's Bank. Rev. Mr. Peixotto died July 16th, 1828, age sixty-two years, and his last wish was to be interred in the old cemetery on Chatham Square. The Common Council having prohibited interments there, unless at a penalty of \$250, it looked for a while as though his wish would not be regarded, but Mr. Harmon Hendricks, a wealthy elector and president of the congregation, personally paid the fine and the interment was made. But it seemed as though fate had decreed that the minister was not to rest in the ancient ground, for when New Bowery was cut through the cemetery in 1856, his grave was in the path of the proposed street, and his remains were removed to the cemetery on Twenty-first Street.

In 1828 the trustees sold to David Bryson and Robert Swanton the rear part of the land of the cemetery on Chatham Square which had not been used, fronting on Oliver and Madison streets, for \$30,000. There was an assessment on the same for \$11,626.54 for the surrounding improvements, and the congregation, to prevent its being sold to pay the assessment, mortgaged it to Harmon Hendricks for that amount, he having advanced the money to pay the assessment, but this sale enabled the congregation to discharge the obligation.

In 1828 the congregation purchased from Conrad Ritter, for a cemetery, 36 lots on Fourth Avenue, 71st and 72nd streets. The property was never used as such, being in the estimation of the trustees "too far away from the city." On June 2nd, 1829, another piece of ground was purchased from Horatio Wilkes on 21st Street, 75 feet west of Sixth Avenue, and dedicated on August 17th of that year. Interments in the Eleventh Street ground ceased shortly thereafter. The 21st Street ground was enlarged in 1832 to 120 feet 8 inches on Sixth Avenue, by 75 feet deep, bought from Horatio Wilkes. On January 19th, 1844, two lots on 13th Street, which had been bought March 2nd, 1802, from Stephen B. Munn, to be used as a cemetery for those dying of contagious diseases, but in which there had been but two interments, were traded with Gabriel H. Winter for 80 feet 5 inches by 60 feet on 20th Street, commencing 75 feet west of Sixth Avenue, exactly in the rear of the 21st Street cemetery.\* The Fourth Avenue and 72nd Street lots were sold in 1864.

\*The lots on 13th Street, when purchased in 1802, fronted 50 feet on East Bank Street, which crossed nearly diagonally the proposed line of 13th Street between Sixth and Seventh Avenues. When it was discovered that 13th Street when opened would cut through the cemetery, no interments were permitted except as above stated. Thus the land remained until 13th Street was opened some years subsequently, and left the congregation with a large irregular parcel, having a frontage on the new street of but 11 feet and 10 inches, in which shape it was traded with Mr. Winter.

In 1825 certain members of the congregation, who had been accustomed to the Polish or German ritual, appointed a committee consisting of Rowland Davies, John I. Hart and Daniel Jackson, to request the trustees to aid them in forming a separate congregation, to worship according to that rite. A letter was accordingly addressed to the Board, dated October 6th, 1825, and endorsed by various members of the congregation who had no intention of joining the new one. It was favorably received, and a synagogue was consecrated in Elm Street, at which ceremony the officers of the congregation Shearith Israel participated. The new congregation became the B'nai Jeshurun, now worshiping at Madison Avenue and 65th Street, the second oldest in the city.

The Rev. Moses L. M. Peixotto was succeeded by the Rev. Isaac B. Seixas, after several candidates for the position of minister had been heard. He was a son of Benjamin Mendez Seixas and Zipporah, daughter of Hayman Levy and Sloë Myers, and was a gentleman of culture and education. During his ministry, in the spring of 1833 (April 15th), the synagogue and properties in Mill Street were sold to George and Hugh T. Dickey, and a new synagogue was erected on ground, size  $100 \times 102$  by  $98.9 \times 100$  feet, on west side of Crosby Street, between Spring and Broome streets. It was consecrated on the eve of the first day of Pentecost, 1834, when precisely the same order of service was used as at the consecration of the Mill Street Synagogue in 1818. The congregation worshiped at corner of White and Centre streets while the synagogue was being erected.

After the great fire of 1835, which swept over the lower part of the city, Mill Street ceased to exist as such, but South William Street (which is Mill Street widened and extended) took its place.

Rev. Isaac B. Seixas died, August 10th, 1839, aged 57 years, and was buried in the cemetery of the congregation on 21st Street. He was succeeded by the Rev. Jacques J.

Lyons, a native of Surinam, Dutch Guiana, who had officiated as minister of the congregation Berachah Vé Shalom, Richmond, Va., and eleswhere. He is well remembered as a man of great culture, dignity and piety, and possessed of qualities of mind which have left their impress on the congregation second to none of his predecessors. He instantly became bound up in the congregation's welfare to an extent that was remarkable for one not born in it, and this intense interest only terminated with his death, which was regarded as a calamity to the community. Nothing was too minute to receive his attention, and prosperity followed the congregation during the whole of his ministry.

On June 16th, 1851, the congregation purchased land from Abraham Snedicor for a cemetery in Kings and Queens Counties on Long Island, six miles from the Williamsburg Ferry, consisting of about 6½ acres. The Common Council of New York City having passed a resolution prohibiting interments within the city limits, the cemetery on 21st Street was closed. The new one was separately and specially chartered by the Legislature in the year 1853. It seems curious that the congregation has never been able to keep its cemetery outside the city of New York. When the land on Long Island was purchased 46 years ago it was thought that the matter was settled for all time, but the recent Act creating the Greater New York has brought the Beth Haim once more within the city limits. The synagogue in Crosby Street was sold February 1st, 1859, and lots purchased in Nineteenth Street, corner of Fifth Avenue, February 4th, 1859, 27.8 x100 on the Avenue and 70x92 on Nineteenth Street, as the site for a new one. The lot corner of Fifth Avenue was sold in the same year to Daniel Parish. congregation worshiped at 894 Broadway while the new building was being erected. The synagogue in Nineteenth Street was consecrated with great pomp on the 12th of September, 1860, the corner-stone having been laid on July 11th, 1859, with appropriate ceremonies.

In 1856 New Bowery was cut through the cemetery on Chatham Square, and 256 bodies were removed, or rather that number of graves were opened. Of those, all but three, which were removed to the cemetery of the congregation on Long Island, were re-interred in the cemetery on 21st Street, New York, in separate graves. An entrance to the cemetery being made on the new street, the old one on Oliver Street opposite Henry Street was closed, and the lot constituting the same was sold in November, 1858, to F. Doering. In 1856 the Rev. Dr. A. Fischell was engaged to deliver sermons in English regularly, and served in that capacity until towards the close of the year 1861. He was a native of Amsterdam, Holland, to which city he returned, and died there in 1894. He was succeeded in 1874 by the Rev. Dr. Henry S. Jacobs, who resigned the position in 1876 to become minister of the congregation B'nai Jeshurun. In 1868 a house for the minister, adjoining the synagogue in 19th Street, was purchased. The congregation sustained a severe loss when the Rev. Mr. Lyons died on August 12th, 1877, aged 63 years, and he was sincerely mourned as one who had been indeed the guardian of the congregation. His successor, the present minister, Rev. Dr. Henry Pereira Mendes, a native of England and grandson of the late Rev. David de Sola of London, was selected as an assistant to the Rev. Mr. Lyons, and acted as such for a few months prior to the latter's death. He was elected preacher as well as reader, and the Rev. David H. Nieto was elected as his assistant in 1878, and officiated as such until 1886, when he resigned. His successor in the same year was his own brother, Rev. Abraham H. Nieto, for many years minister of the Spanish and Portuguese congregation in Jamaica, W. I.

In 1882 the congregation sold to Hugh O'Neill for \$260,000, the property on Sixth Avenue and 20th Street, which had been acquired in 1832 and 1844.

For many years prior to the Revolution there existed in the city of Newport, R. I., a congregation of Israelites under the name "Jeshuat Israel," which met regularly for worship in the houses of the members, and this practice continued until the year 1763, when a synagogue was consecrated on the first day of Hanuka, on land purchased June 13th, 1759, by Jacob Rodrigues Reveira, Isaac Hart and Moses Levy from Ebenezer Allen. The necessity for a synagogue was occasioned by the large number of Hebrews attracted to Newport from various cities, especially New York, by the commercial advantages which it offered. Many prominent Israelites whose names are known, left New York and were among those who assisted in building the house of worship, for which purpose the congregation Shearith Israel contributed from its funds. The architect, Peter Harrison, was proficient in his art and built several New England churches, among them Trinity Church at Newport about one hundred and fifty years ago, and still standing, the congregation of which is about celebrating its two hundredth anniversary.

The Newport Cemetery was purchased by Moses Pacheco and Mordecai Campanell from Nathaniel Dickens, February 28th, 1767. After the Revolution, Newport having lost its commercial importance, the Hebrews gradually withdrew from the city, and services were held but irregularly, until finally the minister, Rev. Isaac Touro, whose family intermarried with and became members of the congregation Shearith Israel in New York, returned to Kingston, Jamaica, whence he came, and in 1818 there were no Hebrews left at Newport save Moses, Jacob and Samuel Lopez and their immediate relatives. The Scrolls of the Law which had been sent to Newport from New York by the Congregation Shearith Israel many years previously, were returned, and the synagogue was closed. In 1822 Abraham Touro, a son of the minister, died at Boston and bequeathed the sum of \$10,000 to the State of Rhode Island, in trust for the preservation of the synagogue edifice. He also left \$10,000 to the Congregation Shearith Israel in New York. His brother,

Judah Touro, well-known for his public benefactions, who died in 1854, left the sum of \$10,000 in trust for the preservation of the cemetery and for the payment of the salary of a minister whenever there should be a sufficient number of Jews in Newport to hold services in the synagogue regularly. He bequeathed \$13,000 to the Congregation Shearith Israel's School.

In 1881 it was represented to the Congregation Shearith Israel that there were then enough Hebrews at Newport to They proceeded to do so, and the open the synagogue. Rev. Abraham P. Mendes, father of the minister of the Congregation Shearith Israel, well known as a scholar and clergyman of ability, was called from London, England, to officiate in the old synagogue, which he continued to do until his death in 1891. The congregation appointed as his successor the Rev. David Baruch, of New York City, who still continues as minister. The Hebrews at Newport were incorporated as a congregation by the Legislature of Rhode Island, under the old name of Jeshuat Israel, in 1894, the trustees of the Congregation Shearith Israel being also trustees of the new corporation. A constitution was adopted, proclaiming allegiance to the ancient ritual, rites and customs of the Spanish and Portuguese Jews. In the same year, the heirs of the survivors of the original purchasers of the lands which constitute the synagogue and cemetery properties at Newport, executed deeds of conveyance to the trustees of the Congregation Shearith Israel, conveying to them as such their title to the same, thus reposing in the congregation in fact that which had existed in theory for many years, the actual ownership of the ancient landmarks. The temporal affairs of the Newport Hebrews are supervised by Mr. Eugene Schreier, a merchant in that city, who acts as president of the corporation, and has proven a faithful and efficient representative of the interests of the Congregation Shearith Israel.

In 1894 the congregation resolved to sell the synagogue

in 19th Street and purchase a site further uptown for a new one, which was concluded in the month of March, 1895, by the purchase of six lots, each 25 x 100 feet, southwest corner of Seventieth Street and Central Park West, from Charles Hoffman, for \$130,000, and the erection of the sacred edifice commenced by Arnold W. Brunner and Thomas Tryon, architects, and Percy Jacobs, an elector of the congregation and a member of one of its oldest families, builder. The corner-stone was laid with appropriate ceremonies on Wednesday afternoon, May 20th, 1896, and it was dedicated on May 19th, 1897. It is entirely paid for and without any mortgage, which, according to the constitution, can never rest on a synagogue of the congregation.

# GROWTH OF JEWISH POPULATION IN THE UNITED STATES.

BY DAVID SULZBERGER, Philadelphia.

It is impossible to arrive at the exact number of Jews at present living in the United States, nor has that number been at any time definitely attainable, as the United States Government does not classify persons by their religious convictions in the enumerations for the decennial census. Nevertheless various estimates have been made from time to time with considerable care, and from these it may be possible to gather an approximate idea of the growth of population.

The first statement known to me as to the number of Jews in the United States is given by Hannah Adams\* about 1812, on the authority of the Reverend Gershom Mendes Seixas, who was the most distinguished and best informed Jewish minister of his time in America. She writes:

"A respectable rabbi of New York has given the following account of his brethren in the United States. There are about fifty families of Jews in New York, which, with a number of unmarried men, make from seventy to eighty subscribing members to the Congregation Shearith Israel."

There were undoubtedly others residing in New York at the time who were not subscribers to the Congregation Shearith Israel, and it would be safe to infer that there were about three hundred and fifty souls in that Congregation and no less than fifty additional unattached.

"In Philadelphia there may be about thirty families of

<sup>\*</sup>History of the Jews, 1812, vol. II, pp. 215-16-17-20.

Jews . . . There may be from eighty to one hundred in the whole State of Pennsylvania."

Of South Carolina she says:

"The present number of Jews may be estimated at about a thousand. Charleston alone contains about six or seven hundred individuals. In Richmond (Virginia) there are about thirty Jewish families."

Mordecai M. Noah, in his discourse upon the occasion of the dedication of the Synagogue Shearith Israel, April 17, 1818, estimated the Jewish population of the United States at 3000.

Dr. H. Pereira Mendes called my attention to an anonymous book entitled *Israel Vindicated*, published by Abraham Collins, of 268 Greenwich Street, New York, in 1820, in which the estimate of Major Noah was confirmed, the author writing, "But no excuse can be found for so long a neglect of this in the United States, where our nation, from a population of upwards of 3000, are daily increasing in numbers, in wealth and importance."

S. Gilman says in the North American Review of July,

1826, p. 73, quoting Isaac Harby:

"The number of the Jews in the United States is difficult to arrive at with any precision. Such are the influences of habit and time, that while in the Old World, under innumerable exactions and disqualifications, there are six millions of Israelites, there are, in these happy United States, not more than six thousand. I arrive at this conclusion rather from comparative corollaries than from any given and accurate data.

"Neither Ramsay, Mellish, Morse, Bellamy, nor any other writer, pretending to enumerate various religious classes, has thrown one spark of light upon the subject. In the New England States there cannot be more than three or four hundred in all; in Pennsylvania, about that number; in New York, about nine hundred and fifty; in Virginia, about four hundred; in North Carolina, about four hundred.

dred; in South Carolina, about one thousand and two hundred; in Georgia, about four hundred; in Florida, about thirty or forty; in Louisiana, about one hundred; and, making a large allowance for the scattered and unknown, I think six thousand the maximum."

The American Almanac of 1840 gives the number of Jews in the United States as fifteen thousand.

In the History of the Jews up to the present time, 2nd edition, Boston, 1848, compiled and published by M. A. Berk, he says: "From the best information it would appear that there are about 50,000 Jews in the United States. From 12,000 to 13,000 of this number are supposed to reside in the city of New York, 4000 in Philadelphia, and in Baltimore 1000.

"A large body of Jews appear to be settled in South Carolina. In all our western cities, such as Buffalo, Pittsburg, Cleveland, Cincinnati, Louisville and St. Louis, as also in New Orleans, considerable numbers of Israelites are found."

Rev. Isaac Leeser\* in 1846 placed the figures for New York at 10,000; Philadelphia, 1800; Baltimore, 1500; State of Virginia, 600.

The article is the first careful summary of the condition of the Jews in the United States known to me, and would be well worth reprinting in some other connection. It contains much valuable historical material, although some of the statements have been corrected by later research.

The Rev. J. J. Lyons, of New York, and Prof. Abraham de Sola, of Montreal, in their 50-year calendar, published in 1854, gave a list of 97 congregations with their affiliated societies then existing in the United States, Canada and the West Indies. No figures, however, were supplied.

The first systematic attempt to obtain definite statistical information was undertaken by the Board of Delegates of

<sup>\*&</sup>quot;The Jews and their religion" in *The Jewish Miscellany*, No. VI, Philadelphia Jewish Publication Society, 5607 [1847], pp. 112-116.

American Israelites with the assistance of the Union of American Hebrew Congregations. This work was in charge of a committee of which Mr. William B. Hackenberg of Philadelphia was chairman. The committee presented a tentative report to the meeting of the Board of Delegates held at New York, May 28 and 29, 1877. This tentative report (which contained some interesting historical material) gave as a total population 189,576. Estimates had not been received from a number of places, however, and the committee was requested to continue its labors. In September, 1880, the Union of American Hebrew Congregations published the statistics of the Jews of the United States, in which the total was given at 230,257.

For purposes of comparison the following summary of their labors is given:

State or Territory. Por	nulation	State or Territory. Population.
•	2	• •
Alabama	2,045	Maryland 337
Arizona	48	Baltimore 10,000
Arkansas	1,466	Massachusetts 8,500
California	18,580	Michigan 3,233
$Colorado.\dots\dots$	422	Minnesota 414
Connecticut	1,492	Mississippi 2,262
Dakota	19	Missouri 7,380
${\bf Delaware}\dots\dots\dots$	585	Montana
Dist. of Columbia,	1,508	Nebraska 222
Florida	772	Nevada 780
Georgia	2,704	New Hampshire 150
Idaho	85	New Jersey 5,593
Illinois	12,625	New Mexico 108
Indiana	3,381	New York State 20,565
Iowa	1,245	New York City 60,000
Kansas	819	North Carolina 820
Kentucky	3,602	Ohio 6,581
Louisiana	7,538	Oregon 868
Maine	500	Pennsylvania 6,079

Philadelphia	12,000	Virginia	2,506
Rhode Island	1,000	Washington Terr'y,	145
South Carolina	1,415	West Virginia	511
Tennessee	3,751	Wisconsin	2,559
Texas	3,300	Wyoming	40
Utah	258	_	
Vermont	120	Total	30,257

Isaac Markens, in The Hebrews in America, 1888, says:

"With a population of only 400,000 in the entire country, of which 125,000 are credited to New York, the Hebrews have made themselves felt throughout the land to an extent far greater than any other like number of people... During the year 1886 over 30,000 Hebrew emigrants were landed in New York, of whom more than two-thirds remained there. During the six years previous upwards of 50,000 came from Russia, Poland, Germany and Roumania, 114,000 being landed in the United States from 1881 to 1886."

In the "Report on Statistics of Churches in the United States at the Eleventh Census," (1890), p. 413, we find the following:

"The statistics of Jewish congregations are not frequently or periodically gathered, as is the custom of most religious denominations; but twice at least in the last forty years efforts have been made to ascertain the number of Jewish congregations in the United States, once in 1854 and again in 1880. According to the earlier report, there were, in 1854, 97 regularly organized congregations, of which 30 were in the State of New York. The latter count was made under the auspices of the Board of Delegates of American Israelites and the Union of Hebrew Congregations, and it required several years to complete the compilation. The results, which have been regarded as quite accurate, indicated the existence of 270 congregations, with 12,546 members, or about 50,000 communicants. The value of the real estate held by the congregations was returned at \$4,706,700,

with other property aggregating \$1,497,878, or a total of \$6,204,578, exclusive of burying grounds.

"The work of gathering the statistics of the Jewish congregations for the eleventh census was committed to Mr. Phillip Cowen, of the American Hebrew, who spared no pains to secure full and accurate returns. The tables presented herewith show that there are now 533 congregations of Orthodox and Reformed Jews, with 130,496 communicants. It should be noted that in Jewish congregations the head of a family only is counted. The members of the family are represented by one person. The number given as communicants therefore does not indicate the number of members of a synagogue. Members of a family may, on attaining their majority, rent a pew and be counted as a member of a synagogue or temple, but they seldom do so until they have a household of their own. The two branches or schools have together 301 church edifices, with an approximate seating capacity of 139,284. Besides these edifices, 231 halls, etc., are occupied by congregations. These halls have a seating capacity of 28,477. The total value of the synagogue property is \$9,754,275, indicating an increase in 10 years of \$3,549,697. In the same period the number of communicants advanced from about 50,000 to 130,496. Much of this extraordinary increase is due, of course, to a large immigration."

Mr. Richard Wheatley, in an article on the Jews in New York, in the *Century Magazine* of January, 1892, writes as follows:

"Philip Cowen, the expert intrusted with the collection and tabulation of Jewish statistics, imperfectly and tardily rendered in response to printed inquiries, estimated the number of Jews living east of the Bowery and south of Fourteenth Street at 135,000, and that 40,000 more were scattered over the rest of the city.

"In April, 1890, good Hebrew judges reckoned the number of resident Poles and Russians at 50,000; Germans,

50,000; Roumanians, 25,000; Hungarians, 25,000, and of all other nationalities at 50,000.

"In February, 1891, Secretary Charles Frank, of the United Hebrew Charities, calculated the total at from 225,000 to 250,000, and predicted an additional immigration of from 45,000 to 50,000 in the following months of the year.

"In 1890, 32,321, of whom 23,970 remained in the city, landed at the port of New York. Of the 8350 passing on to other destinations, many returned to work out their own future amid the crowding difficulties of civic environment.

"Among the arrivals were 6056 Austrians, 25,154 Russians, 506 Roumanians and 517 Germans."

"Immigration," remarked an intelligent Jewish observer, "in five years has averaged 25,000 a year, of which more than 70 per cent. have stopped in New York. There, in the Jewish quarter, the number of inhabitants averages 330,000 to the square mile. In the most densely populated region of Old London the average is only 175,000. The English hive cannot exhibit a single cell like the seven-story house in New York which lodges, or did lodge, 36 families, including 58 babies and 38 children over 5 years of age."

The same writer says in Harper's Magazine, February, 1897:

"In the heterogeneous mass of folk from seventy diverse nations that compose the nearly two-millioned citizenship of the American metropolis, the Jews number more than one-eighth," which would be something over 250,000. Mr. Jacob H. Schiff, however, in an address delivered before the Anglo-Jewish Association in London (April 9, 1897), estimated the Jewish population of New York City at 350,000.

In the Jewish Year Book for 1896, edited by Mr. Joseph Jacobs, tables of immigration are given for 1881–1893, showing the arrival of 542,164 Russians and Poles in the United States. It is a fact well known, however, that quite a number of Poles and some Russians immigrating are not

Jews. I have accordingly prepared the following table upon information derived from the officers of the United Hebrew Charities in New York, the Immigration Society in Philadelphia, and the Baron de Hirsch Committee in Baltimore, whose returns show of course only Jewish immigrants. The tables are as follows:

	United Hebrew Charities, New York.	Immigration Society, Philadelphia.	Baron de Hirsch Commit- tee, Baltimore.
1885,	18,535	1,076	tee, baramore.
1886,	27,348	2,310	
1887,	25,788	1,680	
1888,	29,602	1,761	
1889,	22,674	1,288	
1890,	32,321	1,982	
1891,	$62,\!574$	4,984	1,581
1892,	52,134	3,039	5,152
1893,	25,678	5,324	1,941
1894,	16,381	3,823	1,902
1895,	27,065	2,791	2,221
1896,	23,802	2,499	1,817
Total	363,902	32,557	14,614

The total ascertained immigration since 1885 is 411,073, and adding 74,310 given by Mr. Jacobs for the years 1881–1884, the total of Jewish immigration to the United States since 1881 would be not over 485,383.

Upon the basis of earlier computations and with the aid of persons in various parts of the country I have prepared the following estimate of Jews now settled (1897) in the United States. This estimate is, I believe, conservative. It is not capriciously made, yet is put forward tentatively as material for criticism and discussion:

Alabama	6,000	Missouri	25,000
Arizona	2,000	Montana	2,500
Arkansas	4,000	Nebraska	2,000
California	35,000	Nevada	2,500
Colorado	1,500	New Hampshire	1,000
Connecticut	6,000	New Jersey	25,000
N. and S. Dakota,	3,500	New Mexico	2,000
Delaware	3,000	New York	350,000
Dist. of Columbia,	3,500	North Carolina	12,000
Florida	2,500	Ohio	50,000
Georgia	7,000	Oregon	6,000
Idaho	2,000	Pennsylvania	85,000
Illinois	85,000	Rhode Island	3,500
Indiana	15,000	South Carolina	8,000
Iowa	5,000	Tennessee	15,000
Kansas	3,500	Texas	12,000
Kentucky	12,000	Utah	5,000
Louisiana	20,000	Vermont	1,000
Maine	1,000	Virginia	18,000
Maryland	35,000	Washington	2,800
Massachusetts	20,000	West Virginia	6,000
Michigan	9,000	Wisconsin	10,000
Minnesota	6,000	Wyoming	1,000
Mississippi	5,000	, , , ,	
11	,	Total	937,800

While fully conscious of the incompleteness of this work and sincerely regretting that but few replies were received to requests for information, I desire to thank those who so kindly rendered such assistance as lay in their power: Hon. A. S. Solomons, Washington, D. C.; A. H. Clark, Esq., Cleveland, O.; Rabbi Henry Cohen, Galveston, Texas; Mr. Nathaniel S. Rosenau, Manager United Hebrew Charities, N. Y.; Mr. Louis E. Levy, President Immigrants Aid Society, Philadelphia; Mr. S. Baroway, Agent, Committee of the Baron de Hirsch Fund, Baltimore, and Rev. Dr. H. P. Mendes, New York.

I trust that the paper will lead to discussion and the eliciting of further information which will eventually lead to the securing of a comparatively correct census of the Jews of the United States.



#### NOTES.

From the Biographical Sketches of the Graduates of Yale College, with Annals of the College History, Vol. II, May, 1745-May, 1763, by Franklin Bowditch Dexter, M. A., New York: Henry Holt & Co., 1896, I extract the following references to persons of Jewish descent:

Page 233.—"Isaac Isaacs, the second son and fourth child of Ralph Isaacs, of Jewish extraction, who settled as a trader in Norwalk, Connecticut, and became a prominent citizen and one of the founders of the Episcopal Church in that town, was born there on July 19, 1732. His mother was Mary, daughter of Benjamin Rumsey, of Fairfield. brother was graduated here in 1761; one sister married Benjamin Woolsey, of the class of 1744, and another married the Rev. Luke Babcock, of the class of 1755. He settled in Norwalk as a merchant, but in March, 1756, he was commissioned with the title of Captain Lieutenant, in Captain David Wooster's company in the Second Regiment of the Connecticut militia raised for an expedition against Crown Point; and two years later he served as captain in Colonel Wooster's regiment in the attack at Ticonderoga. He died in Norwalk, unmarried, early in 1762, in his 30th year. His will (made on November 23, 1761) was put on record on May 4, 1762, and disposed of his estate to his brothers and sister, excepting £50 bequeathed to St. Paul's Church, Norwalk, for communion plate; but the estate proved insolvent."

Page 699.—"Ralph Isaacs, the seventh child and youngest son of Ralph Isaacs, and a brother of Isaac Isaacs (Yale, 1750), was born in Norwalk, Connecticut, on June 4, 1741. He had the reputation while in college of being concerned in a good deal of mischief, and shared with his classmate, Coit,

the fate of being debarred from his second degree for disorderly conduct after the close of the Senior year. He settled in New Haven as a merchant as early as 1763, and continued in active and successful business here until the time of the Revolution. During the troublesome period between the repeal of the Stamp Act and the breaking out of the Revolution he came into public notice through his efforts toward allaying the rising feelings of discontent against the policy of the British Government. In September, 1770, he being engaged in the shipping business and a shipowner himself, was appointed by the town of New Haven as one of a committee to confer with like committees from the other towns in the colony, 'to consider what may be done toward promoting the commercial interests of the colony.' But when it became a question of armed resistance against the Crown, he, like many others of the adherents of the Church of England, manifested his sympathy with the mother country and, on the commencement of hostilities, was reported to the Committee of Inspection for New Haven as a public enemy.

"Complaint was made to the General Assembly in October, 1776, with the result that he was ordered to be removed to the parish of Eastbury, in the town of Glastonbury, and confined to its limits as a dangerous person. He secured a respite until December, on the ground of infirm health, and was then allowed to go to Durham, instead of Glastonbury, so that he might have the advantage of procuring supplies from his farm in Branford. A month later, Durham was heard from as objecting to his sojourning there, unless under more rigid restrictions; and he was then transferred to Wallingford, and thence in June, 1777, to Branford. He was finally set at liberty, after taking the oath of fidelity, in January, 1778, and during the rest of his life lived in comparative quiet and seclusion, residing mainly on his farm on "Cherry Hill" in Branford, until his death there, from apoplexy, on October 24, 1799, in his 59th year.

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"He married, shortly after leaving college, Mary, daughter of Peter and Abigail (Shepard) Perit of Milford, who bore him seven children, and died in New Haven on February 4, 1816, in her 76th year. She was of French Huguenot descent, being a great-granddaughter of the Rev. Pierre Peiret, who escaped from France to this country in 1687, shortly after the Revocation of the Edict of Nantes, settled in New York, and became the first minister of the French Huguenot church in that city. One of their daughters married the Hon. Jonathan Ingersoll (Yale, 1766), and another married the Rev. Smith Miles (Yale, 1791). A son was graduated at Yale in 1784."

### PORTRAITS OF JEWS ENGRAVED BY ST. MEMIN.

I copy from an elaborate work on the well-known engraver, St. Memin, a list of the names of Jews whose portraits were engraved by him during his stay in America. He was the most prominent engraver of his time, and made portraits of almost every distinguished American of the day. The title of the work is:

"The St. Memin collection of portraits; consisting of seven hundred and sixty medallion portraits, principally of distinguished Americans, photographed by J. Gurney and Son, of New York, from proof impressions of the original copperplates, engraved by M. de St. Memin, from drawings taken from life by himself, during his exile in the United States from 1793 to 1814; to which are prefixed a memoir of M. de St. Memin, and biographical notices of the persons whose portraits constitute the collection, compiled from authentic and original sources by the publisher. New York, published by Elias Dexter, No. 562 Broadway. 1862."

The following are the Jewish portraits contained in the volume. An impression of that of Hyman Marks is in the possession of the Society. It would be very desirable if copies of the others could be procured.

"No. 64. Solomon Moses (1796) was a merchant in New York" (p. 23).

"No. 90. Abraham Hart (1796), of New York" (p. 25).

"No. 139. Sampson Levy (1802), was an eminent lawyer of Philadelphia. No. 743 was his wife" (p. 32).

"No. 559. Hyman Marks (1805), was a merchant of Richmond, Virginia. He afterwards removed to Philadelphia" (p. 82).

"No. 691. — Dacosta (1798)" (p. 93).

"No. 734. Mrs. Levy (1802), of Philadelphia. She was the mother of Sampson Levy, an eminent lawyer of that city" (p. 101).

"No. 743. Mrs. Martha Levy (1802), née Lampley, was the wife of Sampson Levy (139), of Philadelphia" (p. 102).

CYRUS ADLER.

## A Subscription List of the Year 1773.

The subjoined roll of names is selected from David Levi's English version of the Sephardic ritual, published over 120 years ago.\* It is interesting to note the number of subscribers from Canada, Philadelphia, Baltimore, New York, and especially from the West Indies. Some of these names are quite unknown and may prove useful to the future historian:

	Copies.
1. Lindo Abarbanel, Jamaica,	1
2. Judith Barrow, Esq., Barbadoes,	1
3. Rebecca Barrow, "	1
4. Sarah Barrow, "	1

<sup>\*</sup>The title of vol. VI [London, 5533 (= 1773)] reads: סרר התפלות. The Form of Prayer for the Fast Days, according to the custom of Spanish and Portuguese Jews, faithfully translated from the original Hebrew by David Levi, author of Lingua Sacra, the Ceremonies of the Jews, etc."—See on Levi, Pub. Am. Jewish Hist. Soc., No. 3 (1895), p. 132.

		Copies.
5.	Ab. Mendes Belisario, Jamaica,	2 [sets].
6.	Judah Joseph Berthier, Canada,	1
7.	Ab. Bravo, Esq., Spanish Town, Jamaica,	1
8.	Ja.[cob] De la Penha,* Jamaica,	1
9.	Solomon Etting, Baltimore,	1
10.	Moses Franco, Esq., Jamaica,	1
11.	Joseph Franco, "(?)	1
12.	Jacob Gutteres, Esq.,† Spanish Town, Jamaica,	1
13.	Ephr. Hart, New York,	1
14.	Aaron Hart, Three Rivers, Canada,	1
15.	Benjamin Hart, "	1
16.	Ezekiel Hart, "	1
17.	Moses Hart, Wm. Henry, "	1
18.	David Henriques, Esq., Spanish Town, Jamaica,	2 [sets].
19.	Manuel Josephson, Philadelphia,	1
<b>2</b> 0.	M. L.(?), Barbadoes,	1
21.	Isaac Lyon, Lucia, Jamaica,	1
22.	E. Montefiore, Barbadoes,	1
<b>2</b> 3.	Simon Nathan, New York,	4 [sets].
24.	E. D. P., Barbadoes,	1
25.	Isaac Phineas, Three Rivers, Canada,	1
26.	Joseph Ricardo, Philadelphia,	1
27.	Gershon Xeixas,‡ New York,	1

Several of the above-mentioned names are familiar to us, and may be found referred to in these *Publications* and in Henry S. Morais' Jews of Philadelphia. We shall add to this

<sup>\*</sup> Or Peña, Penja.

<sup>†</sup>Or Gutterez, Gutieres, etc. Cf. Pub. Am. Jewish Hist. Soc. No. 2 (1894), p. 98. The family of Guttereces are said to have settled as early as the XVI century in the West Indies. In Jamaica they owned a settlement called Palm Estate.

<sup>‡</sup> Read Seixas. He is no doubt identical with the Rev. Gershon Mendez Seixas, often referred to in the "Family History of the Reverend David Mendez Machado," by N. Taylor Phillips, LL. B., in Pub. Am. Jewish Hist Soc., No. 2, pp. 45-61; see also Ibid., No. 3, p. 133.

list four more names taken from the same author's Lingua Sacra (vol. V, London, 1803):

- 1. Bloomfield, New York.
- 2. Franco, Esq., Jamaica.
- 3. Lucas, Sampson, Jamaica.
- 4. Muir, G. G., Jamaica.

GEORGE ALEXANDER KOHUT.

#### JEWISH SOLDIERS.

The following notes, taken from an article in the American Jews' Annual for 5650 (1890), by the late A. E. Frankland, of Chicago, entitled "Fragments of History," pp. 51-104, will serve to supplement the lists given in Hon. S. Wolf's book:

P. 57-58: Letter of Mrs. Ann Pamelia Cunningham, the Regent of the Ladies Mount Vernon Association, to Rev. Dr. Lilienthal, dated Philadelphia, January 26, 1859, thanking him for his efforts to enlist the Israelites of Ohio in the purchase of the "Home and Tomb of Washington."

P. 91: "One of the most beautiful tributes of affection for the soldiers of the Confederacy may be seen at the Jewish cemetery in this city [Richmond, Va.]. The soldiers of the Jewish faith who fell in the various engagements near this city have been buried in a lot which has been enclosed in an iron railing costing several hundred dollars. The railing is formed of stacks of muskets, swords, cannon balls, military caps and flags, and other implements of war, which form a very beautiful fence, being arranged in such a manner as to excite the admiration of all who have seen it. I do not recollect having seen such a beautiful memorial to the Union or Confederate dead in any part of our country."

[Evening Mail, Richmond, Va.]

P. 93: "Fratricidal War.—The Blue and the Gray.—It has often been said that in the late civil strife 'brother met

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brother face to face on the battle-field.' This has been exemplified in the writer's own family. Judah Frankland, for many years a resident of Nashville, Tennessee, a journalist by profession, and city editor for a long time of the Nashville Gazette, at the commencement of the war went out with General Zollicoffer. Solomon Frankland, of New York, enlisted in an eastern regiment and went to the front under General N. P. Banks. At the surrender of Port Hudson they met face to face, the 'Gray' surrendering to the 'Blue,' whose captive he remained by parole until exchanged. Both died, after the peace, from the effects of wounds received on the fields of battle."

P. 93-94: "Receiving the Blessing.—At the outbreak of the civil war each section furnished as many Jews, according to ratio of population, as did any other class, of course. As was quite natural, they sided with the section that was their birthplace and their home. They volunteered as cheerfully and served as patriotically as any other citizen, and were always to be found at the front. Many of them—alas! too many—gave up their lives in the struggle. Memphis, Tennessee, was not behind in her quota; nearly all her young men volunteered and went. There was no chance for substitutes in that section. We write section understandingly, for the imaginary lines of Messrs. Mason and Dixon had not then been obliterated.

"A novel and affecting incident occurred at the Temple Children of Israel during the Sabbath service. The following named enlisted volunteers, all uniformed in Confederate gray, marched into the building. Standing around the scrolls of the law, they recited the blessing, in chorus: Major Abraham S. Levy, Captain Maurice A. Freeman, Lieutenant Isaac Strauss, Corporal M. A. Kuhn, Privates Lou Leubrie, Samuel Jackson, Harry Cohen, Julius Nathan, Emil Gross, Harry Jeessel, and several others. After which they received the ancient priestly benediction from the minister [Rev. Dr. Max Samfield?] and returned to the camps

of their several commands. It was their last assemblage together, and was a sad realistic scene that will never be forgotten by those that witnessed same."

GEORGE ALEXANDER KOHUT.

#### ARKANSAS.

"As far back as 1830, the three brothers, Dr. Jacob Mitchell, Hyman and Levy Mitchell, moved to Little Rock, Arkansas, and established a commercial house there. Doing a large business with Fort Smith and the Indian Territory, they were very successful merchants. Dr. Jacob inaugurated a stage line to Hot Springs, and became an interested owner of part of the hot mountain. His title was an old Spanish patent that was issued to the sufferers by the earthquake on Madrid Bend in 1832. The matter became involved in litigation for many years. The United States Government declined to ratify and held it as its own reservation, which was finally so decided by the Supreme Court of the United States. The Mitchell heirs were very much disappointed in losing this immense fortune, but 'tis hard to contest anything with the United States Government. The Kempners, Jonas Levy and others followed, and a congregation was formed about 1845 . . . Jacob Mitchell, in 1839, organized a stage route from Little Rock to Hot Springs and built a large hotel. Scarcely any other Jews lived there permanently, although quite a number visited there, the waters having a reputation for marvellous cures performed."

[Cf. Frankland, ib., l. c., p. 95-96.]

GEORGE ALEXANDER KOHUT.

# AMERICANA AT THE ANGLO-JEWISH EXHIBITION.

[Publications, I, 109-10.]

From the Catalogue of the Anglo-Jewish Historical Exhibition, 1887 (London, 1887), we extract the following items, in Notes. 159

addition to those already referred to by Dr. Cyrus Adler, refraining from comments, except where it is necessary to show the relation of the subject to American-Jewish interests:

P. 32, No. 784: Sermon. Original MS. of a sermon preached in Spanish by a member of the De Sola family, in the year 5521 = 1761. [Supposed to be by Abraham de Isaac de Sola.] (Clarence de Sola, Exhib.)

[This cannot be correct, for there was no member of the de Sola family officiating as Rabbi either in Holland or in England at that time. It must have been written therefore by Samuel Mendes de Solla, who for several decades was Rabbi in Curaçoa. Some of his homiletic writings are mentioned by the present writer in Pub. Am. Jewish Hist. Soc., No. 3, pp. 117–118 and 142; No. 5, p. 119. About him and his controversies with his contemporaries and his congregation (cf. l. c.) a lengthy paper could be written.]

P. 41, No. 859: "Orden de la Oracion, &c., &c." Order of service held in Bevis Marks Synagogue on 13 Dec. 1776 (3 Tebet 5537 = 1776), upon the day appointed as a day of humiliation and prayer for the success of the Royal arms, and restoration of peace, at the time of the revolt of the American Colonies; including the sermon of Rabbi Moseh Cohen d'Azevedo. Hebr. and Span. (C. de Sola, Exhib.)

P. 50, No. 970: Dr. Benjamin De Sola (photo of a painting), Court physician to William V, Prince of Orange, and an ancestor of the De Sola family. Born in Portugal, 1735. Settled in Holland, 1749. Author of several medical works. Died at Curaçoa, 1815. (Miss de Sola, Exhib.).

Ibid., No. 972: Rev. Isaac Lopez (I. M. Belisario del.), Cantor at Spanish and Portuguese Synagogue, Kingston, Jamaica. (The Misses Aguilar, Exhib.) [Is he identical with Isaac Lopez da Fonseca, Hazan in Curaçoa, 1780? Cf. Pub. Am. Jewish Hist. Soc., No. 3, pp. 118, 142, 143.]

P. 51, No. 981: Mr. Leoni As [Leonias?] Arbaces. (Engraving.) Opera singer and composer. Real name

Myer Leon. Was at first a chorister at the Great Synagogue, circa 1770. Obtained much success on the operatic stage and as a composer of songs and sacred melodies. Braham was one of his pupils. Returned to the Synagogue and became a Jewish minister at Kingston, Jamaica. (I. Solomons, Exhib.).

P. 179, No. 41: Pass for Abraham de Mercado, M. D., Hebrew, and David Raphael de Mercado, his son, to Barbadoes, to exercise his profession, 20 April, 1655. (Council

of State Order Book, vol. LXXVI, p. 49.)

[Cf. Calendar of State Papers. Domestic series during the Commonwealth, edited by M. A. E. Green, vol. VIII (1655), p. 583; Jacobs-Wolf: Bibl. Anglo-Judaica (London, 1887), p. 39; Rev. Dr. H. Adler in Transactions of the Jew. Hist. Soc. of Engl., vol. I (1893-4), London, 1895, p. 44, No. XI; Kohler in Publ. Am. Jewish Hist. Soc., IV, p. 223.—Adler, Kohler have the date: Apr. 27, 1655.]

GEORGE ALEXANDER KOHUT.

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I. The name of this Society shall be the "American Jewish Historical Society."

### OBJECTS.

II. Its objects shall be the collection, preservation and publication of material having reference to the settlement and history of the Jews on the American Continent.

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III. Any person approved by the Executive Council may become a member by paying five dollars; and after the first year may continue a member by paying an annual fee of five dollars.

On payment of one hundred dollars, any person may become a life member exempt from fees.

Persons may be elected as honorary members and be exempt from the payment of fees; but no honorary member shall be elected except by the unanimous vote of the Executive Council.

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